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No. 169

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BASS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 20, 2003.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Monsignor Barry Knestout, Archdiocese of Washington, D.C., offered the following prayer:

Lord God, we bless You and praise You for Your generous gifts of life and love. Lead us to love one another in humility.

O Lord our God, we beseech You and ask for the gifts we need. Help this Congress in its deliberations and decisions. Renew us in the spirit of cooperation. Show us the course we are to take.

Let Your Spirit guide and strengthen us to always perform what is for the true and lasting good of this great Na-

tion. Help us to find ways, in word and deed, to defend the innocent, to deliver the oppressed, to pity the insignificant, and show generosity to the needy. Help us this day and each day to keep Your commands and to ever rejoice in Your glorious and life-giving presence. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60 of the Capitol.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. DEFAZIO) come forward and lead the House in the Pledge of Allegiance.

Mr. DEFAZIO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 313. Concurrent resolution to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1895. An act to temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958 through March 15, 2004, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes from each side.

IN SUPPORT OF MEDICARE REFORM BILL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I learned in the real estate business, you never leave the negotiations for fear they may fail and you do not get your commission. Today, I understand the Democrats are planning a walkout from this floor to protest Medicare legislation. Yesterday, uniquely, the Democrats were burning their AARP cards down the street. The only thing missing from that scene was Jane Fonda.

Mr. Speaker, the seniors of our country deserve a Medicare program that is updated for the 21st century, including prescription drugs. It is an opportunity to help our seniors with new technology, diagnostic tests for osteoporosis, cardiovascular disease, diabetes. But no. If the Democrats do not get their way, they take the highway. That is discouraging for American seniors. And for them to ridicule and criticize AARP that just last week was

the gold standard for senior lobbying organizations is somewhat a tremendous stain on the Democratic Party. Where are the leaders like Claude Pepper and Franklin Roosevelt?

I urge them to come to the floor today and work on Medicare legislation. Let us pass a bill for all seniors.

A RUBE GOLDBERG MEDICARE REFORM BILL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the gentleman before me waxed eloquent about a \$400 billion Rube Goldberg complete with subsidies for the pharmaceutical industry, the insurance industry and price fixing. It is going to guarantee that there will be no reduction in the extortionate price of prescription drugs. Americans will still continue to pay the highest prices in the developed world despite the fact that the drugs are manufactured here by American companies who often receive the benefit of taxpayer-funded research.

We could provide a much more meaningful benefit for substantially less and that would be if we did two simple things: Negotiate lower prices like every other nation in the world has done, but this bill prohibits the government from negotiating lower prices on behalf of Americans or Medicare beneficiaries. And, secondly, we could just engage in free trade, allow the reimportation of U.S.-manufactured, FDA-approved drugs. That would substantially lower the price. Many American seniors have already resorted to that, but this bill will prohibit the reimportation of drugs but instead it will engage in subsidizing private insurance, subsidizing the pharmaceutical industry, price fixing and protectionism. They are violating every principle they say they believe in.

IN SUPPORT OF MEDICARE PRESCRIPTION DRUG BILL

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, later this week we will have an opportunity to keep our promises to seniors. For too long our parents and our grandparents have been paying too much for prescription drugs. This problem is much more acute for low-income seniors, especially women. Women represent more than half the seniors with incomes that are less than 135 percent of the poverty level. They live longer than men, they spend more on health care, and they are more likely to suffer from chronic medical conditions. In essence, women need more drugs for a longer period of time but are least likely to be able to afford them.

This prescription drug bill will help those on fixed incomes. A woman with

an income of less than \$13,000 today will receive full assistance. No premiums, no deductibles, no gap in coverage. Furthermore, disease management programs will help women who are suffering from multiple chronic diseases. It will help them receive better care from health professionals who can coordinate their medical needs.

Mr. Speaker, it is time to end the rhetoric and deliver on a promise.

CONGRESS PUNTS ON PRESCRIPTION DRUG BILL

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, as we address the issue of prescription drugs and as speaker after speaker is speaking about prescription drugs, there are three attempts to deal with out-of-control prices of prescription drugs that are going up on average 20 percent a year:

One is through the free market principle of reimportation, allowing Americans to buy drugs in either Europe or Canada. Second, bulk negotiation, creating a Sam's Club using the power of 40 million seniors to purchase drugs at reduced prices like they do in Europe and in Canada. And, third, through speedy introduction of generic medications to market to bring competition to price.

In all three areas, the pharmaceutical industry got what they want, and this Congress punted on getting the price reduction as it relates to pharmaceutical prices. We need to offer the taxpayers who are about to be asked to spend \$400 billion of their money, \$400 billion of taxpayer money, we owe them the common decency and courtesy to get them the best price, either through the free market principle, through creating negotiation bulk prices to get prices reduced, or generics. In each area, this Congress punted on behalf of the pharmaceutical industry.

PEER-TO-PEER SOFTWARE IS A REAL DANGER TO OUR KIDS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the British newspaper The Guardian has found that demand for child pornography through the use of file-sharing programs, like Kazaa, is leading to more abuse of children. The sale of peer-to-peer traffic in illegal images of children now dwarfs any other pedophile network they have found.

David Wilson, professor of criminology at Central England, said, "Peer-to-peer facilitates the most extreme, aggressive and reprehensible types of behavior that the Internet will allow." Programs that are used by kids to find songs or pictures of cartoons are delivering our children right into the clutches of these predators.

And what are we doing about it? Nothing. Every day innocent kids are victimized on peer-to-peer file-trading software and our inaction allows them to walk right into the trap set by sexual predators. The time to act has come.

I urge my colleagues to cosponsor my bill, H.R. 2885, so that we can move forward in protecting our kids online.

AWARDING CONGRESSIONAL GOLD MEDAL TO PRESIDENT JOSE MARIA AZNAR

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to again encourage my colleagues to cosponsor H.R. 2131, a resolution that will bestow President of the Government of Spain, Jose Maria Aznar, with the Congressional Gold Medal.

Shortly after the September 11 attacks on the United States, President Aznar made the following comment: "Our battle is a battle for the same ideas, for the same freedoms, for the same society and civilizations, and we will share all those efforts as long as it is necessary."

President Aznar of Spain has stood by the United States and, despite heavy political pressure, has never wavered from his staunch commitment to the ideals of freedom, liberty and democracy.

I urge my fellow Members to join me and over 100 cosponsors of H.R. 2131, a bill to award the Congressional Gold Medal to President Aznar. Join us in honoring a man who is a great leader in global democracy, a great leader in the war on terrorism, a notable ally of the United States, and a champion of freedom.

IN OPPOSITION TO LATEST NEW GOVERNMENT ENTITLEMENT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, earlier this week I came to the House floor to announce my opposition to the largest new entitlement since 1965, the Medicare prescription drug bill that we will consider this week. As my voice has weakened, strong voices in opposition have emerged, including the venerable Heritage Foundation which has been a beacon of limited government for over three decades. And today, the editorial page of the Wall Street Journal in a piece entitled "Entitlements Are Forever" makes a powerful case that Congress should reconsider before we create this massive new government entitlement. The Wall Street Journal says the GOP's Medicare bill trades certain spending for speculative reform. The bottom line is that the bill would add a universal drug entitlement to a

largely unreformed Medicare program and warns of fiscal disaster. They conclude that Republicans are offering the certainty of trillions in new entitlements in return for a mere promise of future reform and that is too expensive a gamble for principled conservatives to support.

With my very last breath, I would say, "I agree." Oppose the Medicare prescription drug entitlement.

HEALTH SAVINGS ACCOUNTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of the conference report for H.R. 1, an historic bill that will include the creation of health savings accounts, a breakthrough program that gives control back to patients. The voluntary health savings accounts provide care that is affordable, flexible and portable. They restore the doctor-patient relationship, allowing Americans the freedom to choose their own doctor and their own care. Also, contributions, earnings and medical payments from these accounts are all tax-free.

Health savings accounts will lower health insurance costs for millions of Americans and allow for price competition of doctor and hospital services. Moreover, these accounts stay with a person throughout their lives as they are portable from one job to the other. They also can be used during retirement to pay for retiree health care, Medicare expenses and prescription drugs.

I strongly encourage my colleagues to support health savings accounts by voting in favor of H.R. 1 and give health care freedom to millions of Americans.

In conclusion, God bless our troops. We will not forget September 11.

IN HONOR OF RECENT BRONZE STAR RECIPIENTS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I recently had the honor of handing out Bronze Star Medals to 58 World War II veterans from the Third District of Arkansas. These veterans did not previously receive their medals because of an oversight when they returned home after the war.

The Bronze Star is awarded to World War II veterans who earned the Combat Infantry Badge or the Combat Medical Badge. The award of these badges is considered as a citation in orders of exemplary conduct in ground combat against an armed enemy.

The hard work of the Northwest Arkansas Veterans Task Force who brought this oversight to my attention made this ceremony a reality. They are

constantly looking out for veterans in our community, and their commitment to our veterans ought to be commended.

Mr. Speaker, each one of these veterans has a story to tell. Theirs is a special generation, the greatest generation, and we all owe them a debt of gratitude.

IN SUPPORT OF CONFERENCE REPORT ON MEDICARE MODERNIZATION BILL

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Mr. Speaker, I rise today in support of the conference committee report on the Medicare prescription drug coverage bill. This long-awaited legislation will provide a tangible, real and meaningful benefit to American seniors.

□ 1015

Senior Americans are tired of the talk. It is time for action. This bill will put a drug discount card in their hands in May, 2004; and it will help them save between 15 and 25 percent right off the bat. It also provides structure for Medicare. It includes an affordable deductible and catastrophic coverage, in responsible manner, to help the neediest seniors. Those who currently have prescription drug coverage can keep their coverage because this plan is voluntary. This is reasonable legislation that will not only improve and prolong lives of our seniors but will do the same for the Medicare program.

Provisions for reimportation are in this legislation, ensuring safety and accountability. And it also includes an update for oncology drugs that is critical to cancer patients nationwide.

In conclusion, I would remind my colleagues that this bill provides structure; helps seniors get the prescription drugs they need when they need them by putting a discount card in their hands; is voluntary; and is tangible. It ensures accountability for reimportation and, more importantly, makes Members accountable to their constituents. I urge my colleagues to vote for H.R. 1.

PEACE IN THE MIDDLE EAST

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the President gave an amazing speech yesterday in England, and everyone should read it. Consistent with that speech, I would now ask the administration to appoint a special envoy to the Middle East to focus like a laser beam on bringing peace to the Middle East.

Envoys for peace have succeeded in the past. Senator Mitchell succeeded in Ireland. Senator Danforth has helped push the peace in Sudan. Three people

that come to mind immediately for the Middle East are the President's father, George H.W. Bush or Secretary James A. Baker III or former Secretary George Shultz. Each would bring a unique ability to sharply focus, using the administration's road map for peace, on bringing peace to the Middle East.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES.

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

Resolved, That it shall be in order at any time on the legislative day of Thursday, November 20, 2003, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This rule provides that suspensions will be in order at any time on the legislative day of Thursday, November 20, 2003. It also provides that the Speaker, or his designee, will consult with the minority leader, or her designee, on any suspension considered under the rule.

Mr. Speaker, the Republican leadership of this House has set out an aggressive legislative plan for this week on behalf of the American people. The goal of this plan is to pass a number of bills over the next few days that will dramatically improve the quality of life for all Americans. This week we have already succeeded in passing an energy conference report that will bring our Nation's outdated energy policy into the 21st century through comprehensive legislation that promotes conservation, reduces America's growing dependence on foreign oil, and creates new jobs.

For the balance of the week we are slated to consider legislation among the following things: number one, to authorize spending levels for intelligence activities needed to win the war on terrorism; number two, to reform Medicare to make sure that more of our seniors have prescription drug coverage that they need while also giving them more and better choices for their health care coverage, also to allow all Americans to begin planning for their health needs through savings accounts that can be purchased, can

grow, and can be used on a tax-free basis; and, number three, to provide for a uniform national credit recording system that ensures that consumers are protected from identity theft while giving them access to the fast and reliable credit that makes our economy the envy of the rest of the world.

I understand that Members on both sides of the aisle may have different views about how to address these issues, and we will have the opportunity to hear a great deal of debate from both sides over the next few days on each of these issues and many others. However, a great deal of legislation that the Republican House leadership has also scheduled for consideration on behalf of all Americans has broad support from both the majority and the minority. And in an attempt to make sure that this important work is finished by the end of this legislative week as well, we are here to pass a rule to provide for consideration of these bills.

This balanced rule provides the minority with an ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation is considered under this rule brought to the floor.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this noncontroversial, balanced rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Texas for yielding me 30 minutes.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, this unusual move to allow for consideration of motions to suspend the rules provides this body with a great opportunity. Many pieces of legislation important to our constituents are awaiting consideration. With this rule we have a wonderful chance to address some of these significant issues. We should consider legislation to extend Federal unemployment benefits for an additional 6 months; I believe that would pass unanimously. Currently unemployment benefits are set to expire on December 31. We should not allow the millions of Americans still desperately looking for work to begin the next year in the lurch.

I am particularly concerned about the loss of 44,000 manufacturing jobs in Upstate New York since 2002. In Rochester alone, manufacturing employment is down 20 percent. In these tough economic times, it is our duty to help; and since we are rushing to adjournment this week, this is our last opportunity.

Mr. Speaker, I would also like to use this golden opportunity to pass the genetic nondiscrimination legislation. Since 1995 I have led the fight to pass this nonpartisan, noncontroversial, and

widely supported legislation. The bill currently has 236 cosponsors from both sides of the aisle, the support of over 200 outside organizations, and the support of the President of the United States. Last month the other body unanimously passed the legislation which prohibits genetic discrimination. This is critical to the health of the country, something we have talked about all week. If we do not pass this legislation to prohibit genetic discrimination, we are in danger of bringing much of the research that we are so proud of in the United States to a halt.

Discrimination is already taking place. We have lots of evidence of it both in employment and insurance. If we want to continue to be on the forefront of science and to be able to make our residents and citizens the healthiest in the world, this bill should be passed. I want to urge the Speaker of the House today to put this bill on the suspension calendar, let us pass it, let the President sign it, and let us all move toward better health.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I had not planned to come to the floor this morning, but I was sitting in my office and I heard my colleague from Florida mention Claude Pepper's name in relationship to this Medicare bill. Claude Pepper would be turning over in his grave by this bill. It was an insult to all of the fine work that Claude Pepper did in this House, and he would be on this floor speaking against this horrible bill.

This Republican Medicare bill is a slap in the face for every senior struggling to pay for needed medicine. The leadership of this House is not pushing this bill because they care about seniors. In fact, they would end the program altogether. In 1995 the majority leader called Medicare "a program I would have no part of." Another leader said "a program that I hope will wither on the vine." Now they want us to believe the spin that they really care about Medicare.

A zebra cannot change its stripes, Mr. Speaker, and the American people are not buying this sham. America's seniors are happy with the Medicare program, and we should provide for a prescription drug benefit the same way we provide for doctor visits through Medicare and not through a private program that even the insurance industry says will not work. This is a life-and-death issue for many of our seniors, and this hollow bill does nothing for that.

And I want to close quoting the only black Supreme Court Justice we ever had, Thurgood Marshall. He said: "A snake is a snake. It does not matter whether it is black or white; if it bites you, it is the same." And I can say that for the Republicans on this bill, and I can also say that for AARP, who has left the people.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

It is early in the morning in Washington, and we are back at it again talking about this wonderful opportunity that we have to come down to the floor of the House of Representatives and speak our minds. And it is no surprise to the American public that the Democrat Party and its Members oppose reform in Medicare. It is no surprise to the American public that we recognize that the Democrat Party is not only opposed to reform but also to competition, which is what is in this bill; and it is no surprise to the American public that what will happen in the next day or two as the debate gets closer is that the American public will hear and find out about how the market reforms and things and ideas that will come from this bill will make life better for millions of Americans.

What is surprising is to hear the Democrat Party lambast AARP. The AARP is that organization for senior citizens all across this country who I think has made a very wise and careful decision to look at this prescription drug plan, and they have very clearly said that the Republican Party is right on the policy and they are right on what will give long-term success to this great Nation.

But we have heard very clearly this morning what the Democrat Party intends to do. They intend to keep Medicare exactly the way it is, in trouble financially and will very soon go bankrupt.

Reform is necessary if we are going to save this system, but reform is also necessary for the millions of Americans who today are without the ability to purchase health care solely because of money. What we are going to do is make it easier for Americans, not just people who go to work but some of them who are just now entering the marketplace, to be able to save money for health care on a pretax and tax-free basis, an opportunity for them to save this money and, when they are younger, to put that money away and to grow it tax free to be able to use it for health care, to make sure that they will be able to make wiser decisions in their future, that they will be able to make the wise decisions for their family at a time when they need that money most of all.

So what Republicans really stand for once again is reform and making sure that the most critical systems that are in place in our country are not only strengthened, but we make sure that they will survive the onslaught as times change and we have so many people retiring, but we need to make sure that our children and grandchildren have that same opportunity that we have had to have a system, an underpinning in this country that takes care of people.

So I am very pleased today, as we begin our work and debate in Washington. It is no surprise that here we are on this beautiful day in Wash-

ington, D.C., we begin with the debate on the floor to talk about the activities for the week, and I am so proud that not only what the Republican majority stands for but that the reform and the things we are going to bring to the American public will include opportunities for them to save for their own health care, because the most important part is, just like my family, I have a chance then to make a decision, to be a decision-maker in the health care needs of my family.

□ 1030

I have a beautiful wife of 19 years. I have a son who is 14 years old and a Down's Syndrome son who is 9. If there is one thing that I am passionate about, it is that I want a system in this country where families have an opportunity to make their decisions about health care, and we can do that when we have money in our own pockets. And that is what this reform is about, to make sure not just my family, but millions of other families across this great Nation have that same opportunity. That is what this health care savings account is going to be about. That is what Medicare reform is all about. I am proud of what we are doing.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, had the gentleman from Texas (Mr. SESSIONS), my good friend, yielded to me, I simply wanted to ask him if he is aware that the administration has just given AARP a \$20 million grant and ask if he wondered if that had anything to do with their decision.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to thank the gentleman from New York for engaging us this morning on this very important rule which will allow us to continue our work. I urge my colleagues to join me in supporting this rule as I am sure they do.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2417) to authorize appropriations for

fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only on this matter.

Mr. Speaker, the Committee on Rules has granted the customary rule for consideration of conference reports to H.R. 2417, the Intelligence Authorization Act of Fiscal Year 2004. This is standard procedure. The rule is fair and without controversy as far as I know, and it does allow ample time for consideration of conference matters that have come up.

Mr. Speaker, as in past years, we thought it best to allow Members ample opportunity to review the bill and debate the issues they feel are important to our Nation's security. This was certainly exhibited earlier this summer when we passed, with overwhelming bipartisan support, the Intelligence Authorization Act in the House. Our classified annex and staff have been made available to any Member of Congress interested in reviewing the underlying bill and the reports thereto.

Today we are at the culmination of this process. The conference report on H.R. 2417 is critical, it is must-do legislation.

The bill authorizes appropriations for fiscal year 2004 intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Account and Disability system.

In the past 2 years, our country has made very strong steps to improve our Nation's intelligence-gathering capabilities, as well as the analysis of the results of those intelligence-gathering capabilities. With that said, the attacks this morning in Istanbul are yet again a painful reminder that every day, we must not let down our guard. Rather, it emphasizes work that remains to be accomplished. We need to strengthen our intelligence capabilities and align them to deal with the threats that we face today.

This legislation convincingly moves us in the right direction by enhancing the depth and the capacity of all facets of our intelligence community. The bill provides for improved intelligence analysis and coordination. It continues the effort to increase our human intelligence resources, an area vital to the

security of our Nation during the war on terrorism, as we have seen discussed virtually every day.

In addition, H.R. 2417 augments the information shared between Federal, State, and local governments and encourages strong cooperation in the pursuit of joint counterterrorism activities to keep our homeland safe.

Mr. Speaker, this bill makes possible the important work performed by dedicated intelligence professionals, people who are out and about right now taking very high risks to get us vital information so the right decisions can be made to nip terrorism in the bud before it strikes us again. It is the product of a bipartisan agreement that we deal with today and, as I stated previously, another prudent step in the right direction for developing our capabilities in the intelligence community.

For these reasons, I urge my colleagues to vote in support of this rule that will provide them with a fair forum for debate on this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, let me thank my good friend, the gentleman from Sanibel, Florida (Mr. GOSS) for yielding me this time. It is a pleasure to serve with the gentleman on both the Committee on Rules and the Permanent Select Committee on Intelligence and, as I said last night, not in a self-serving way, I do not know of any two committees which work harder or more diligently than the two on which the gentleman and I serve. It turns out that we are the only two Members on both of those committees, and what I said last night is we must be gluttons for punishment.

Mr. Speaker, I rise in support of this rule, providing for the consideration of the conference report to accompany H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004. This bill authorizes classified amounts in fiscal year 2004 for 14 United States intelligence agencies and intelligence-related activities of the United States Government, including the Central Intelligence Agency and the National Security Agency, as well as foreign intelligence activities of the Defense Department, FBI, State Department, Homeland Security Department, and other agencies.

Members who wish to do so, and I urge Members to do this if they have concerns, can go to the Permanent Select Committee on Intelligence office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national intelligence program. As I said, this includes authorizations for the CIA, as well as the foreign intelligence and counterintelligence programs within, among others, the Department of Defense, NSA, Department of State, Treasury and Energy, and the FBI.

Also included in the classified documents are the authorizations for the tactical intelligence and related activities and joint military intelligence program of the Department of Defense.

The measure covers specific and general intelligence operations including all of our operations that we put forward in any manner. Today, more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation. I am pleased that it has been brought to the floor in a truly bipartisan manner. Thanks to the gentleman from California (Ms. HARMAN), the ranking member, and the gentleman from Florida (Chairman GOSS) and all of the members of the Permanent Select Committee on Intelligence and the specific subcommittees, a good job has been done on behalf of this country.

Let me say though, Mr. Speaker, that just because this is brought here in a bipartisan manner does not mean that it is a perfect bill; far from it. There are several areas that many of us would have liked to have seen improved. One of them that we have an exacting concern about is the expansion of the executive authorities under section 374, the amendment of the National Financial Services Act. We feel that that bears further scrutiny and certainly, without judicial review in that section, could pose problems at some point in our future. It is something that many of us will continue to review.

We also felt very strongly, and I thank my colleague, the gentleman from New Jersey (Mr. HOLT) who will speak specifically to it, that we should emphasize the area of language ability in a more dramatic fashion.

Mr. Speaker, this bill provides authorizations and appropriations for some of the most important national security programs in this great country. Any hesitation by this body in passing it would be a disservice to the American people. I urge my colleagues to support this rule and the underlying conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), my good friend.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentleman from Florida for yielding me this time, and I thank him for his good work not only on the Committee on Rules, but also on the Permanent Select Committee on Intelligence.

As he said, I would welcome the opportunity later to speak about the need to have better training in critical languages here in the United States, but at the moment, I would like to talk about something that is relevant to the rule and to the Committee on Rules.

Here in Congress we have a responsibility, not only to appropriate funds, to

authorize those funds, but also to oversee their expenditure. It is a sacred responsibility to deal with other people's money. It is a difficult job.

Now, in the areas of transportation and the Department of the Interior and other areas, we are assisted by millions of engaged citizens who keep an eye out for waste or misguided programs or programs that are less than well-thought-out. We do not, in classified programs, have that advantage, so it falls to us and our staff. We have an excellent staff that keeps tabs on the multifarious programs of the intelligence community. We are blessed with a chairman who has an agreeable personality and demeanor and wields his gavel with equanimity, and an excellent ranking member who keeps us on track. But we have a difficult job under the best of circumstances to oversee the intelligence programs.

It is made almost impossible when large fractions of the intelligence budget come through special appropriations, not through the normal course, not through the normal authorization and appropriation process, when in emergency allocations, money is put in without any previous oversight.

So as I speak in favor of the authorization bill that we are considering today and hope that we approve the rule so that we can get to the debate and approval of this authorization bill, I would ask the Committee on Rules to use its considerable influence in the future to see that we do not appropriate large sums of money for intelligence and other operations without going through the customary and necessary authorization process. We have done that over and over again in recent years, and it is a disservice to the intelligence community and a disservice to the American people. So again, I ask the Committee on Rules to use its considerable influence to see that we not fall into that problem.

Mr. GOSS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the distinguished chairman of our Subcommittee on Human Intelligence, Analysis and Counterintelligence.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I thank my colleague for yielding me this time.

I want to rise in strong support of the rule for the authorization of the intelligence bill, H.R. 2417. I want to take just a moment to explain the issue of compensation reform which I think is important and critical to the future of the intelligence community.

Over the years we have had a system of pay for the men and women who are doing the hard work of gathering intelligence for the people of this country.

□ 1045

And yet we have not been able to find a way to adequately compensate them.

These are individuals who are dedicated to this mission. They are not there because they want more money. They are there because they like what they do. They feel it is important for the future of this country and for the security of the American people. We have opportunities now to make sure that when we pay these individuals, we pay them correctly, we pay them adequately for their services. It is important that Congress continue this oversight.

We have an important part of this bill that addresses the issue of compensation reform. I am hoping that all our colleagues will rise and support this bill because of the important aspect of compensation reform for the men and women who are doing the valiant job of representing this country in faraway places in the dark of night, doing things that most other people would not do. These are true heroes in the American legend. We should all stand up and thank them for the work they have done. And I thank the gentleman from Florida (Chairman GOSS) for the opportunity to speak out on this rule and hope that everyone will support the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES), my good friend.

Mr. REYES. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding, and I also want to commend our chairmen and ranking members for the great job that they do under what, I think, are very difficult circumstances. And I would also associate myself with the comments of my colleague, the gentleman from Nevada (Mr. GIBBONS), about giving good compensation for great work that is being done around the world for our national security by the intelligence community employees.

Having said that, I also want to state that I rise in strong support of this rule for H.R. 2417, but I also want to note that there are many of us that have concerns about issues that are vitally important to our national security, the lack of diversity in the intelligence community, and certainly the lack of a good solid plan to diversify and understand and recruit people that know and understand and speak different languages and come from different cultures. Those are critical and important in light of the attacks of September 11.

I would urge everyone to support this rule, but at the same time I also think it is vitally important that we continue to focus. And as my colleague, the gentleman from New Jersey (Mr. HOLT), made mention, it is difficult in this environment because we operate in a closed oversight manner and we do not have the benefit of outside input and scrutiny. So it is critical.

And I know that our chairman, the gentleman from Florida (Mr. GOSS), and the ranking member are committed to continue to work in these two critical areas, diversity and lan-

guage proficiency. So with that, Mr. Speaker, I appreciate the opportunity to share my thoughts.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to associate myself with the remarks of the gentleman from New Jersey (Mr. HOLT), his remarks about a concern about disenfranchising authorizing committees by the use of supplemental appropriations and other such matters as has sometimes happened. I do believe that the authorizing committees provide a critical contribution, a valuable contribution to the legislation of this institution. And I think it is unfortunate that sometimes in the press of business that we sometimes bypass that wisdom and that contribution because of urgency or other matters, which are understandable, but which should be an aberration rather than the practice.

And I can assure the gentleman from New Jersey (Mr. HOLT) and others who are interested that I am going to be spending some time and, hopefully, get a point or two across on the Committee on Rules that our view is that regular order is a whole lot better than supplemental appropriations.

The second thing I wanted to point out, very briefly, I am well aware this is not a perfect bill. The gentlewoman from California (Ms. HARMAN) and I and the members of the committee have worked very hard. We have excellent staff. This is not a perfect bill. It is a very, very good bill. It deserves the attention of the Members on the floor today. Certainly the rule is appropriate to bring it forward.

I think I can promise on behalf of the gentlewoman from California (Ms. HARMAN) and all the Members that the minute this authorization bill passes we start on the next authorization bill. And there is plenty to be done.

There are a number of things we will hear about in the debate later today. These are things that we already have taken aboard, and we will be pushing hard on. So I am convinced that from the legislative perspective we are doing the job that the people of this country have asked us to take on in the oversight, and I am very proud to be part of that effort.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.J. RES. 78, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call

up House Resolution 450 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 78) making further continuing appropriations for the fiscal year 2004, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 450 is a closed rule that provides for the consideration of H.J. Res. 78, a continuing resolution that will ensure further appropriations for fiscal year 2004.

The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides for one motion to recommit.

Mr. Speaker, the provisions of the most recent continuing resolution, H.J. Res. 75, are scheduled to expire this Friday, November 21. The House Committee on Appropriations continues to work hard to complete the unfinished appropriations business of Congress, and we are hopeful that this work can be completed in the coming days. The resolution before us today, H.J. Res. 78, ensures funding through this weekend until November 23.

The House of Representatives passed all of its fiscal year 2004 appropriations bills long ago. We should complete Foreign Operations, Transportation-Treasury appropriate bills in the very near future. In addition, negotiations are under way to complete Agriculture, VA-HUD, Commerce-Justice-State, Labor-HHS, and the District of Columbia appropriations bills as well. However, to ensure that essential government services continue to operate while the omnibus appropriations bill is completed, this rule makes in order another continuing resolution to give us the additional time to complete the appropriations process in an orderly manner.

Mr. Speaker, under the joint resolution that H.J. Res. 450 makes in order, the provisions of the most recent continuing resolution will be extended for

2 more days. The Committee on Rules approved this rule last night. I urge my colleagues to join me in supporting its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, here we go again. Another month has passed and this Republican government still refuses to do its most basic job, funding the Federal Government that they control. That is why we are here, once again, to pass yet another short-term continuing resolution to keep Republican incompetence from shutting down the Federal Government.

Mr. Speaker, I do not know why Republicans refuse to do the job taxpayers pay them for, especially while millions of those same taxpayers cannot find jobs on their own. Perhaps they are so busy twisting arms to dismantle Medicare and force seniors into HMOs that they cannot be bothered with deciding how badly to short-change education in this year's spending bills. Or maybe the White House has been consumed with spending their expensive efforts to rebuild Iraq that they do not have time to worry about America. Who knows. But it is clear that this Republican government has stopped working for the American people.

Mr. Speaker, I do not know if you watched "West Wing" last night on television, but actually the subject of the "West Wing" program was this exact issue, a continuing resolution. And at that point you had a Republican Congress trying to blame a Democratic President for closing down the government. But here, of course, we have a Republican Congress and a Republican President. So what is going on here? Republican President, Republican Congress, and we still have to have a short-term continuing resolution because those folks cannot do their job.

Just take a look at the record. Today, millions of hard-working Americans no longer share in the prosperity that they enjoyed during the Democratic-led economic boon of the 1990s. In fact, since the Republican Party took over the government nearly 3 years ago, more than 3 million American jobs have been lost in the private sector. Or to put it another way, since George W. Bush got his job, millions of Americans have lost their jobs. That is the worst jobs record of any President since Herbert Hoover in the Great Depression.

Over the same period, Republican fiscal irresponsibility has turned record surpluses into astronomical and out-of-control deficits, increasing the death tax on all Americans and threatening the future of Medicare and Social Security. In the private sector, Mr. Speaker, that kind of failure would get you fired. But Republicans are counting on

their special interest friends to save their political skins. And they have spared no taxpayer expense to do their work.

Take, for example, the small elite group of big contributors who fund Republican campaigns like the Bush campaign Pioneers and now the Bush campaign Rangers. They are undoubtedly happy because this Republican government has drained the U.S. Treasury by repeatedly passing expensive tax breaks for the wealthiest few. And earlier this week Republicans gave big polluters a pass to keep fouling the air of some of America's major metropolitan areas, including my home in north Texas.

Now, Mr. Speaker, Republicans are desperately trying to pull the wool over the eyes of America's seniors so that they can shower billions of dollars on HMOs, insurance companies, and the big drug companies. Under the Republican plan, millions of senior citizens would pay more and get less for Medicare. Up to one in four Medicare beneficiaries would actually pay more for prescription drugs than they do right now. Up to 7 million seniors would be forced to join an HMO and give up their choice of doctor or pay higher Medicare premiums. Between 2 and 3 million retirees would lose the drug coverage they now get from their former employers. And millions of seniors would go without drug coverage for months each year and be forced to pay premiums year round even when they are not getting any drug benefits.

While seniors lose under the Republican plan, drug companies and HMOs win big. Republicans are giving insurance companies a \$12 billion slush fund. They are giving big drug companies \$139 billion in windfall profits because they are actually making it illegal for Medicare to negotiate lower prescription prices for seniors. That is right, Mr. Speaker, Republicans can find billions of dollars for HMOs and drug companies, but they cannot afford year-round drug coverage for senior citizens. No wonder Republicans do not want their plan to take effect until after the 2004 elections. They are afraid that once seniors sit down and do the math they will see the Republicans have sold them a bill of goods.

This kind of outrage, Mr. Speaker, is simply business as usual under this Republican government. Nothing gets done for the American people, but Republicans and their allies do plenty of harm to the American people. It is a shameless abuse of power, Mr. Speaker; and the American public are the victims.

Meanwhile, we have before us another 2-day continuing resolution, which is the subject of this rule today.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wis-

consin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I simply take the time to indicate that the House has no choice but to proceed to pass the short-term CR in hopes that the House will come closer to finishing its work by the time we have to pass another one. But let me also say that I would hope that we would use the time constructively so that Members still can get out of here for the year on a reasonable schedule.

I note last night, for instance, that we are within a hair's breadth of having total agreement on the VA-HUD appropriations and on the CJ bill. The transportation bill has already been filed, and it is hoped that the foreign ops bill will be filed and acted upon also. That would mean that we could reduce considerably the number of bills that would have to go into the omnibus. I have no particular ax to grind about whether they do or they do not, but it would seem to me that it would be one way to at least assist on un-snarling what remains to be done before we finish.

With that, I would simply say when the CR comes, I hope that we could dispose of it in a favorable fashion so we can get on with the remainder of our work for this week.

Mr. LINDER. Mr. Speaker, I have no further speakers. I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Let us be very clear about what is going on here. The current continuing resolution runs out tomorrow. The Republican leadership is giving itself another 2 days. So by passing this next CR, that takes us through Sunday. They will not tell us when the next CR, how far it will go, whether we will be here Saturday, Sunday, Monday, Tuesday, Wednesday of next week doing the people's business. They will not tell us when the omnibus bill is going to come to the floor or whether it will come to the floor. They will not tell us how long the next CR will run, whether it will run to December 8 or whether it will run until some time in February. Either they simply do not know, or they will not tell. Either way, they make it very difficult to legislate in an orderly fashion.

We would all like to wind up the business for this year. I would hope that the Republican leadership can finally get their act together, bring the remaining appropriations bills or an omnibus bill to the floor in an orderly way, so that we can conclude the people's business this year and not continue to operate on a 2- or 3-day CR while the Republicans try and figure out what their next step is.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to the gentleman from Texas (Mr. FROST)

that it is not that we do not want to inform them. It is that we do not know.

We are dealing with people in the other body who have not given us any indication of when they are prepared to move. But I will say that I agree 100 percent with the gentleman from Wisconsin (Mr. OBEY). We are moving piece by piece on these. And our side would like very much to pass them one at a time and get out of here Friday night or Saturday. I do not think it will be that soon on Friday night, but we are very close to getting our work done on the appropriations process so we would like to do that one at a time.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BASS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 450 will be followed by 5-minute votes on the following motions to suspend the rules:

S. 286, by the yeas and nays;

S. 686, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 406, nays 2, not voting 26, as follows:

[Roll No. 645]

YEAS—406

Ackerman	Boyd	Crowley
Akin	Bradley (NH)	Culberson
Alexander	Brady (PA)	Cunningham
Allen	Brady (TX)	Davis (AL)
Andrews	Brown (OH)	Davis (CA)
Baca	Brown (SC)	Davis (FL)
Bachus	Brown, Corrine	Davis (IL)
Baird	Brown-Waite,	Davis (TN)
Baker	Ginny	Davis, Jo Ann
Baldwin	Burgess	Davis, Tom
Ballance	Burns	Deal (GA)
Ballenger	Burr	DeFazio
Barrett (SC)	Burton (IN)	DeGette
Bartlett (MD)	Buyer	Delahunt
Barton (TX)	Calvert	DeLauro
Bass	Camp	DeLay
Beauprez	Cannon	DeMint
Becerra	Cantor	Deutsch
Bell	Capito	Diaz-Balart, L.
Bereuter	Capps	Diaz-Balart, M.
Berkley	Capuano	Dicks
Berman	Cardin	Dingell
Berry	Cardoza	Doggett
Biggert	Carson (IN)	Dooley (CA)
Bilirakis	Carson (OK)	Doolittle
Bishop (GA)	Carter	Doyle
Bishop (NY)	Case	Dreier
Bishop (UT)	Castle	Duncan
Blackburn	Chabot	Dunn
Blumenauer	Chocola	Edwards
Blunt	Clyburn	Ehlers
Boehlert	Coble	Emanuel
Boehner	Cole	Emerson
Bonilla	Collins	English
Bonner	Conyers	Eshoo
Bono	Cooper	Etheridge
Boozman	Costello	Evans
Boswell	Crane	Everett
Boucher	Crenshaw	Farr

Fattah	Levin	Rogers (KY)
Feeney	Lewis (CA)	Rogers (MI)
Ferguson	Lewis (KY)	Rohrabacher
Flake	Linder	Ros-Lehtinen
Foley	Lipinski	Ross
Forbes	LoBiondo	Rothman
Ford	Lofgren	Roybal-Allard
Frank (MA)	Lowe	Royce
Frelinghuysen	Lucas (KY)	Ruppersberger
Frost	Lucas (OK)	Rush
Gallegly	Lynch	Ryan (OH)
Garrett (NJ)	Majette	Ryan (WI)
Gerlach	Maloney	Ryun (KS)
Gibbons	Manzullo	Sabo
Gilchrest	Marshall	Sanchez, Linda
Gillmor	Matheson	T.
Gingrey	Matsui	Sanchez, Loretta
Gonzalez	McCarthy (MO)	Sanders
Goode	McCarthy (NY)	Sandlin
Goodlatte	McCollum	Saxton
Gordon	McCotter	Schakowsky
Goss	McCrery	Schiff
Granger	McDermott	Schrock
Graves	McGovern	Scott (GA)
Green (TX)	McHugh	Scott (VA)
Green (WI)	McInnis	Sensenbrenner
Greenwood	McIntyre	Serrano
Grijalva	McKeon	Sessions
Gutierrez	McNulty	Shadegg
Gutknecht	Meehan	Shaw
Hall	Meeks (NY)	Shays
Harman	Menendez	Sherwood
Harris	Mica	Shimkus
Hart	Michaud	Shuster
Hastings (FL)	Millender-	Simmons
Hastings (WA)	McDonald	Simpson
Hayes	Miller (FL)	Skelton
Hayworth	Miller (MI)	Slaughter
Hefley	Miller (NC)	Smith (MI)
Hensarling	Miller, Gary	Smith (NJ)
Hill	Miller, George	Smith (TX)
Hinchey	Mollohan	Smith (WA)
Hinojosa	Moore	Snyder
Hobson	Moran (KS)	Solis
Hoeffel	Moran (VA)	Souder
Hoekstra	Murphy	Spratt
Holden	Murtha	Stark
Holt	Musgrave	Stearns
Honda	Myrick	Stenholm
Hooley (OR)	Nadler	Strickland
Hostettler	Napolitano	Stupak
Houghton	Neal (MA)	Sullivan
Hoyer	Neugebauer	Sweeney
Hulshof	Ney	Tancredo
Hunter	Northup	Tanner
Hyde	Norwood	Tauzin
Inslee	Nunes	Taylor (MS)
Israel	Nussle	Terry
Issa	Oberstar	Thomas
Istook	Obey	Thompson (CA)
Jackson (IL)	Olver	Thompson (MS)
Janklow	Ortiz	Thornberry
Jefferson	Osborne	Tiahrt
Jenkins	Ose	Tiberi
John	Otter	Tierney
Johnson (CT)	Owens	Toomey
Johnson (IL)	Oxley	Towns
Johnson, E. B.	Pallone	Turner (OH)
Johnson, Sam	Pascarell	Turner (TX)
Jones (NC)	Pastor	Udall (CO)
Kanjorski	Paul	Udall (NM)
Kaptur	Payne	Upton
Keller	Pearce	Van Hollen
Kelly	Pelosi	Velazquez
Kennedy (MN)	Pence	Visclosky
Kennedy (RI)	Peterson (MN)	Vitter
Kildee	Peterson (PA)	Walden (OR)
Kilpatrick	Petri	Walsh
Kind	Pickering	Wamp
King (IA)	Pitts	Waters
King (NY)	Platts	Watson
Kingston	Pombo	Watt
Kirk	Pomeroy	Waxman
Kleczka	Porter	Weiner
Kline	Portman	Weldon (FL)
Knollenberg	Price (NC)	Weldon (PA)
Kolbe	Pryce (OH)	Weller
Kucinich	Putnam	Wicker
LaHood	Quinn	Wilson (NM)
Lampson	Rahall	Wilson (SC)
Langevin	Ramstad	Wolf
Lantos	Rangel	Woolsey
Larsen (WA)	Regula	Wu
Larson (CT)	Rehberg	Wynn
Latham	Renzi	Young (AK)
LaTourette	Reyes	Young (FL)
Leach	Reynolds	
Lee	Rodriguez	

NAYS—2

Filner Jackson-Lee (TX)

NOT VOTING—26

Abercrombie	Fossella	Nethercutt
Aderholt	Franks (AZ)	Radanovich
Clay	Gephardt	Rogers (AL)
Cox	Herger	Sherman
Cramer	Isakson	Tauscher
Cubin	Jones (OH)	Taylor (NC)
Cummings	Lewis (GA)	Wexler
Engel	Markey	Whitfield
Fletcher	Meek (FL)	

□ 1125

Ms. JACKSON-LEE of Texas changed her vote from "yea" to "nay."

Mr. MORAN of Virginia changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 645 I was unavoidably detained. Had I been present, I would have voted "yea."

BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES PREVENTION ACT OF 2003

The SPEAKER pro tempore (Mr. BASS). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 286.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 286, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 18, as follows:

[Roll No. 646]

YEAS—415

Ackerman	Bonner	Clyburn
Aderholt	Bono	Coble
Akin	Boozman	Cole
Alexander	Boswell	Collins
Allen	Boucher	Conyers
Andrews	Boyd	Cooper
Baca	Bradley (NH)	Costello
Bachus	Brady (PA)	Cramer
Baird	Brady (TX)	Crane
Baker	Brown (OH)	Crenshaw
Baldwin	Brown (SC)	Crowley
Ballance	Brown, Corrine	Culberson
Ballenger	Brown-Waite,	Cunningham
Barrett (SC)	Ginny	Davis (AL)
Bartlett (MD)	Burgess	Davis (CA)
Barton (TX)	Burns	Davis (FL)
Bass	Burr	Davis (IL)
Beauprez	Burton (IN)	Davis (TN)
Becerra	Buyer	Davis, Jo Ann
Bell	Calvert	Davis, Tom
Bereuter	Camp	Deal (GA)
Berkley	Cannon	DeFazio
Berman	Cantor	DeGette
Berry	Capito	Delahunt
Biggert	Capps	DeLauro
Bilirakis	Capuano	DeLay
Bishop (GA)	Cardin	DeMint
Bishop (NY)	Cardoza	Deutsch
Bishop (UT)	Carson (IN)	Diaz-Balart, L.
Blackburn	Carson (OK)	Diaz-Balart, M.
Blumenauer	Carter	Dicks
Blunt	Case	Dingell
Boehlert	Castle	Doggett
Boehner	Chabot	Dooley (CA)
Bonilla	Chocola	Doolittle

Doyle	King (NY)	Platts	Watson	Weller	Woolsey	Davis (FL)	Jackson-Lee	Norwood
Dreier	Kingston	Pombo	Watt	Whitfield	Wu	Davis (IL)	(TX)	Nunes
Duncan	Kirk	Pomeroy	Waxman	Wicker	Wynn	Davis (TN)	Janklow	Nussle
Dunn	Klecza	Porter	Weiner	Wilson (NM)	Young (AK)	Davis, Jo Ann	Jefferson	Oberstar
Edwards	Kline	Portman	Weldon (FL)	Wilson (SC)	Young (FL)	Davis, Tom	Jenkins	Obey
Ehlers	Knollenberg	Price (NC)	Weldon (PA)	Wolf		Deal (GA)	John	Ortiz
Emanuel	Kolbe	Pryce (OH)				DeFazio	Johnson (CT)	Osborne
Emerson	Kucinich	Putnam				DeGette	Johnson (IL)	Ose
English	LaHood	Quinn				Delahunt	Johnson, E. B.	Otter
Eshoo	Lampson	Rahall				DeLauro	Johnson, Sam	Owens
Etheridge	Langevin	Ramstad				DeLay	Jones (NC)	Oxley
Evans	Lantos	Rangel				DeMint	Jones (OH)	Pallone
Everett	Larsen (WA)	Regula	Abercrombie	Fletcher	McDermott	DeMint	Kanjorski	Pascarell
Farr	Larson (CT)	Rehberg	Clay	Franks (AZ)	Radanovich	DeMint	Kaptur	Pastor
Fattah	Latham	Renzi	Cox	Gephardt	Rogers (AL)	Diaz-Balart, L.	Keller	Payne
Feeney	LaTourette	Reyes	Cubin	Herger	Sherman	Diaz-Balart, M.	Kelly	Pearce
Ferguson	Leach	Reynolds	Cummings	Isakson	Taylor (NC)	Dicks	Kennedy (MN)	Pelosi
Filner	Lee	Rodriguez	Engel	Markay	Wexler	Dingell	Kennedy (RI)	Pence
Flake	Levin	Rogers (KY)				Doggett	Kildee	Peterson (MN)
Foley	Lewis (CA)	Rogers (MI)				Dooley (CA)	Kilpatrick	Peterson (PA)
Forbes	Lewis (GA)	Rohrabacher				Doolittle	Kind	Petri
Ford	Lewis (KY)	Ros-Lehtinen				Doyle	King (IA)	Pickering
Fossella	Linder	Ross				Dreier	King (NY)	Pitts
Frank (MA)	Lipinski	Rothman				Duncan	Kingston	Platts
Frelinghuysen	LoBiondo	Roybal-Allard				Dunn	Kirk	Pombo
Frost	Lofgren	Royce				Edwards	Klecza	Pomeroy
Gallely	Lowe	Ruppersberger				Ehlers	Kline	Portman
Garrett (NJ)	Lucas (KY)	Rush				Emanuel	Knollenberg	Portman
Gerlach	Lucas (OK)	Ryan (OH)				Emerson	Kolbe	Price (NC)
Gibbons	Lynch	Ryan (WI)				English	Kucinich	Pryce (OH)
Gilchrest	Majette	Ryan (KS)				Eshoo	LaHood	Putnam
Gillmor	Maloney	Sabo				Etheridge	Lampson	Quinn
Gingrey	Manzullo	Sanchez, Linda				Evans	Langevin	Rahall
Gonzalez	Marshall	T.				Everett	Lantos	Ramstad
Goode	Matheson	Sanchez, Loretta				Farr	Larsen (WA)	Rangel
Goodlatte	Matsui	Sanders				Fattah	Larson (CT)	Regula
Gordon	McCarthy (MO)	Sandlin				Feeney	Latham	Rehberg
Goss	McCarthy (NY)	Saxton				Ferguson	LaTourette	Renzi
Granger	McCollum	Schakowsky				Filner	Leach	Reyes
Graves	McCotter	Schiff				Flake	Lee	Reynolds
Green (TX)	McCrery	Schrock				Foley	Levin	Rodriguez
Green (WI)	McGovern	Scott (GA)				Forbes	Lewis (CA)	Rogers (KY)
Greenwood	McHugh	Scott (VA)				Ford	Lewis (GA)	Rogers (MI)
Grijalva	McInnis	Sensenbrenner				Fossella	Lewis (KY)	Rohrabacher
Gutierrez	McIntyre	Serrano				Frank (MA)	Linder	Ros-Lehtinen
Gutknecht	McKeon	Sessions				Franks (AZ)	Lipinski	Ross
Hall	McNulty	Shadegg				Frelinghuysen	LoBiondo	Rothman
Harman	Meehan	Shaw				Frost	Lofgren	Roybal-Allard
Harris	Meek (FL)	Shays				Gallegly	Lowe	Royce
Hart	Meeks (NY)	Sherwood				Garrett (NJ)	Lucas (KY)	Ruppersberger
Hastings (FL)	Menendez	Shimkus				Gerlach	Lucas (OK)	Rush
Hastings (WA)	Mica	Shuster				Gibbons	Lynch	Ryan (OH)
Hayes	Michaud	Simmons				Gilchrest	Maloney	Ryan (WI)
Hayworth	Millender-	Simpson				Gillmor	Manzullo	Ryan (KS)
Hefley	McDonald	Skelton				Gingrey	Markey	Sabo
Hensarling	Miller (FL)	Slaughter				Gonzalez	Marshall	Sanchez, Linda
Hill	Miller (MI)	Smith (MI)				Goode	Matheson	T.
Hinchey	Miller (NC)	Smith (NJ)				Goodlatte	Matsui	Sanchez, Loretta
Hinojosa	Miller, Gary	Smith (TX)				Gordon	Sanders	Sanders
Hobson	Miller, George	Smith (WA)				Goss	Sandlin	Sandlin
Hoefel	Mollohan	Snyder				Granger	McCarthy (MO)	Saxton
Hoekstra	Moore	Solis				Graves	McCarthy (NY)	Schakowsky
Holden	Moran (KS)	Souder				Green (TX)	McCollum	Schiff
Holt	Moran (VA)	Spratt				Green (WI)	McCotter	Schrock
Honda	Murphy	Stark				Greenwood	McCrery	Scott (GA)
Hooley (OR)	Murtha	Stearns				Grijalva	McDermott	Scott (VA)
Hostettler	Musgrave	Stenholm				Gutierrez	McGovern	Sensenbrenner
Houghton	Myrick	Strickland				Gutknecht	McHugh	Sensenbrenner
Hoyer	Nadler	Stupak				Hall	McInnis	Serrano
Hulshof	Napolitano	Sullivan				Harman	McIntyre	Sessions
Hunter	Neal (MA)	Sweeney				Harris	McKeon	Shadegg
Hyde	Nethercutt	Tancred				Hart	McNulty	Shaw
Inslee	Neugebauer	Tanner				Hastings (FL)	Meehan	Shays
Israel	Ney	Tauscher				Hastings (WA)	Meek (FL)	Sherwood
Issa	Northup	Tauzin				Hayes	Meeks (NY)	Shimkus
Istook	Norwood	Taylor (MS)				Hayworth	Menendez	Shuster
Jackson (IL)	Nunes	Terry				Hefley	Mica	Simmons
Jackson-Lee	Nussle	Thomas				Hensarling	Michaud	Simpson
(TX)	Oberstar	Thompson (CA)				Hill	Millender-	Skelton
Janklow	Obey	Thompson (MS)				Hinchey	McDonald	Slaughter
Jefferson	Oliver	Thornberry				Hinojosa	Miller (FL)	Smith (MI)
Jenkins	Ortiz	Tiahrt				Hobson	Miller (MI)	Smith (NJ)
John	Osborne	Tiber				Hoefel	Miller (NC)	Smith (TX)
Johnson (CT)	Ose	Tierney				Hoekstra	Miller, Gary	Smith (WA)
Johnson (IL)	Otter	Toomey				Holden	Miller, George	Snyder
Johnson, E. B.	Owens	Towns				Holt	Mollohan	Solis
Johnson, Sam	Oxley	Turner (OH)				Honda	Moore	Souder
Jones (NC)	Pallone	Turner (TX)				Hooley (OR)	Moran (KS)	Spratt
Jones (OH)	Pascarell	Udall (CO)				Hostettler	Moran (VA)	Stark
Kanjorski	Pastor	Udall (NM)				Houghton	Murphy	Stearns
Kaptur	Payne	Upton				Hoyer	Murtha	Stenholm
Keller	Pearce	Van Hollen				Hulshof	Musgrave	Strickland
Kelly	Pelosi	Velazquez				Hunter	Myrick	Stupak
Kennedy (MN)	Pence	Visclosky				Hyde	Nadler	Sullivan
Kennedy (RI)	Peterson (MN)	Vitter				Inslee	Napolitano	Sweeney
Kildee	Peterson (PA)	Waldeen (OR)				Israel	Neal (MA)	Tancred
Kilpatrick	Petri	Walsh				Issa	Nethercutt	Tanner
Kind	Pickering	Wamp				Istook	Neugebauer	Tauscher
King (IA)	Pitts	Waters				Jackson (IL)	Ney	Tauzin
							Northup	Taylor (MS)

NAYS—1

Paul
NOT VOTING—18

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1135

Mr. SMITH of Michigan changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT AMENDMENTS OF 2003

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 686, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 686, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 13, as follows:

[Roll No. 647]

YEAS—420

Abercrombie	Bishop (UT)	Cantor
Ackerman	Blackburn	Capito
Aderholt	Blumenauer	Capps
Akin	Blunt	Capuano
Alexander	Boehert	Cardin
Allen	Boehner	Cardoza
Andrews	Bonilla	Carson (IN)
Baca	Bonner	Carson (OK)
Bachus	Bono	Carter
Baird	Boozman	Case
Baker	Boswell	Castle
Baldwin	Boucher	Chabot
Ballance	Boyd	Chocola
Ballenger	Bradley (NH)	Clyburn
Barrett (SC)	Brady (PA)	Coble
Bartlett (MD)	Brady (TX)	Cole
Barton (TX)	Brown (OH)	Collins
Bass	Brown (SC)	Conyers
Beauprez	Brown, Corrine	Cooper
Becerra	Brown-Waite,	Costello
Bell	Ginny	Cox
Bereuter	Burgess	Cramer
Berkley	Burns	Crane
Berman	Burr	Crenshaw
Berry	Burton (IN)	Crowley
Biggert	Buyer	Culberson
Billirakis	Calvert	Cunningham
Bishop (GA)	Camp	Davis (AL)
Bishop (NY)	Cannon	Davis (CA)

Taylor (NC)	Udall (NM)	Weldon (FL)
Terry	Upton	Weldon (PA)
Thomas	Van Hollen	Weller
Thompson (CA)	Velazquez	Whitfield
Thompson (MS)	Visclosky	Wicker
Thornberry	Vitter	Wilson (NM)
Tiahrt	Walden (OR)	Wilson (SC)
Tiberi	Walsh	Wolf
Tierney	Wamp	Woolsey
Toomey	Waters	Wu
Towns	Watson	Wynn
Turner (OH)	Watt	Young (AK)
Turner (TX)	Waxman	Young (FL)
Udall (CO)	Weiner	

NAYS—1

Paul

NOT VOTING—13

Clay	Gephardt	Rogers (AL)
Cubin	Herger	Sherman
Cummings	Isakson	Wexler
Engel	Olver	
Fletcher	Radanovich	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1146

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 78.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 450, I call up the joint resolution (H.J. Res. 78) making further continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 78 is as follows:

H.J. RES. 78

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108-84 is amended by striking the date specified in section 107(c) and inserting "November 23, 2003".

SEC. 2. Section 8144(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), as amended by Public Law 108-84, is further amended by striking "November 21, 2003" and inserting "November 23, 2003".

The SPEAKER pro tempore. Pursuant to House Resolution 450, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

And I will not consume very much time because this continuing resolution simply extends the existing CR until midnight Sunday, this weekend. All conditions, by the way, of the original CR would still exist on this CR. We are reaching the point where we can conclude the appropriations process. Most of the appropriations issues have already been solved and are prepared to be written into a final bill. There are some outstanding issues at a level higher than the Committee on Appropriations that we are trying to apply a little pressure to get settled. Other than that, Mr. Speaker, I would give the House the word that I think we can get this done by Sunday evening, but maybe not. We will do the very best that we can.

As one can imagine, there are an awful lot of issues that we have resolved and are continuing to resolve. We are working steadily. We had a good conference last night. We cleared up a lot of the issues. So, Mr. Speaker, not much more can be said about this.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I simply urge a "yes" vote, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I ask for a "yes" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to House Resolution 450, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 2471.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. GOSS. Mr. Speaker pursuant, to House Resolution 451, I call up the conference report on the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolutions 451, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 19, 2003, at page H 11605.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House the conference report for H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004. And I want to personally thank members and staff of the committee for their industry, their skill, their professionalism, and their dedication in crafting what I believe is a strong nonpartisan bill which will see us well through the year.

Perhaps the job was made a bit more difficult this year given the attempts by some in the media and elsewhere to throw American intelligence capabilities into the meatgrinder of partisan Presidential politics, but I am confident that a review of this legislation will show just how successful the members of the House Permanent Select Committee on Intelligence have been in putting the Nation's security needs first, rejecting the divisiveness, the partisan trickery and treachery that has been elsewhere.

H.R. 2417 authorizes funding for all intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Disability System. Generally speaking, we have authorized funding for the National Foreign Intelligence Program in fiscal year 2004 at a level slightly above the President's request and substantially equal to that provided in the appropriations process.

There is much in the bill to recommend it to Members of the House. I would like to mention just a few of the important provisions and highlights.

First and foremost, this conference report supports the men and women in the intelligence community who are dedicated to protecting our Nation's citizens and their freedom, many of

whom do this work under a shroud of secrecy, carrying out very tough tasks and, in fact, heroic deeds with little, if any, recognition.

Intelligence is the fundamental element of the global war on terrorism. It is crucial to America's efforts in the hot parts of the war such as Afghanistan and Iraq, just as it is essential to protecting Americans overseas and at home, that is, offense and defense. This conference report funds many important counterterrorism programs.

Also of note in the fight against terrorism, we are witnessing history being made this day. This is the first intelligence bill to authorize funds for the intelligence functions of the new Department of Homeland Security. We on the committee are acutely aware of the vital need for intelligence community resources to be effectively marshaled in protecting the homeland. In the past year, the Federal Government has moved to realign national resources to better leverage capabilities in the war on terrorism. We have been hard at work on that. In addition to the establishment of the Information Analysis and Infrastructure Protection Directorate over at the Homeland Security, the Terrorist Threat Integration Center was created and is under the control of the Director of Central Intelligence, and a new Terrorist Screening Center is being established and put to work at the FBI.

These resources, among others that we have been working on previously, will require continued investment and strong leadership to overcome a number of challenges including, by the way, the challenge of being the first of their kind. Our committee will continue to be actively engaged in defining how the intelligence community is evolving to meet the challenges of homeland security. We actually have no greater obligation.

Counterterrorism and counterintelligence are the driving forces behind section 374 of the conference report. This provision brings the definition of "financial institution" up to date with the reality of the financial industry. The current definition in the Right to Financial Privacy Act was crafted back in 1978. That was a quarter of a century ago. This provision will allow those tracking terrorists and spies to "follow the money" more effectively and thereby protect the people of the United States more effectively.

This conference report contains a provision that has received some degree of attention, section 405 dealing with the Central Intelligence Agency's compensation reform proposal. The conferees support the idea that improvements can be made, should be made, in the old GS system of pay and promotion. I certainly feel we can do better by the officers at CIA. However, it is important to replace the outdated system with a better one, not just a new one. So section 405 will assist CIA management in finding the right system by allowing important fine-tuning and workforce buy-in.

The conferees were concerned that CIA managers were rushing a bit into the implementation of an understested and unevaluated compensation system. To address this concern, section 405 delays slightly the implementation of CIA's compensation reform plan to allow time for the review, evaluation, and for adjustment, where needed, of the compensation program currently being tested in a congressionally mandated pilot program which we have all been very interested in and are following very closely. I think the final result will be a better system for managers and employees alike and a significant improvement for the institution. If it takes a month longer to get there, I think it is going to be well worth the investment.

I could go on for some time detailing many other worthy provisions, but I will conclude my opening remarks here with the observation that this conference report reflects the committee's view that the U.S. intelligence community is making progress in many areas. In the past 3 years, it has recovered to a degree from the devastating cutbacks and budget personnel capabilities and frankly flagging political support that occurred during the mid-1990s. But as I have said, it will be a long road to recovery, and it takes time to build intelligence capability. It will take years of sustained effort and attention and reinvigorated political backing to rebuild a fully capable intelligence community that does all the things we need it to do for us. We are on the road to recovery. I am proud of that. Investment in timely intelligence is the best investment for our homeland and national security, and I hope most Members agree with that.

This conference report represents progress on that road, and I urge the House to adopt it.

Mr. Speaker, I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2417. Earlier today, several large truck bombs exploded in Istanbul killing the British Consul General and dozens of others, wounding at least 450, and causing substantial property damage. The attacks appear to have the earmarks of al Qaeda, and they make today's action even more pressing.

This bill is not perfect, but it represents a lot of hard work to come to bipartisan agreement on tough issues. In the past 2 years, the Permanent Select Committee on Intelligence has completed a joint 9-11 inquiry and is currently reviewing prewar Iraq intelligence. These two reviews, among other activities we have undertaken, have pinpointed deficiencies in collection, analysis, and dissemination of intelligence that cannot be fixed one brick at a time; nor can meaningful intelligence improvements be made simply in response to the latest crisis. This bill represents progress; but, Mr. Speaker, systemic transformation is

needed, and it hopefully will be the committee's primary focus in the coming year.

I am particularly satisfied that this bill requires a lessons learned study on Iraq intelligence as soon as possible and no later than a year from now. This House, just 2 days ago on a virtually unanimous basis, instructed the conferees to include this language, and we did. In the course of 6 months of review, the House Permanent Select Committee on Intelligence on a bipartisan basis has identified serious shortcomings in the prewar intelligence on Iraq's weapons of mass destruction and ties to terrorism. A bipartisan letter earlier this fall details the preliminary view that the gentleman from Florida (Chairman Goss) and I hold. My own view is that estimates were substantially wrong and at a minimum the intelligence community overstated the strength of underlying data supporting its conclusions. Asking the intelligence community to do an introspective study is not an unreasonable request to ensure the credibility of our national security strategies. It will also ensure our troops and our leaders are served by the best intelligence.

In intelligence collection, the bill funds initiatives to improve technical and human collection. It pushes the intelligence community to hire and develop officers who speak foreign languages and who have deep experience in other countries and cultures, important issues raised in an unprecedented public hearing a few weeks ago.

□ 1200

In intelligence analysis and dissemination, the bill provides a new infusion of resources to modernize analyst infrastructure, including new information technology tools, training, and hiring new analytic expertise. There is also strong support for improving information-sharing across the IC and with State and local law enforcement partners.

The bill provides funds to support integration of watch list efforts across the Terrorist Threat Information Center, the Department of Homeland Security, the Terrorist Screening Center, and other relevant players. The bill also authorizes the Secretary of Homeland Security, working with the Director of Central Intelligence and the Attorney General, to establish a training program to help local and private sector officials identify threats and report information to Federal partners. Information-sharing, as we have shown again and again and again, was a primary intelligence failure pre-9/11. This bill goes a long way to fix it.

I am pleased that the bill addresses the development of data mining efforts for fighting terrorism, while maintaining adequate privacy protections for U.S. persons. The defense appropriations conference report, which we have already voted on, terminated DOD's Terrorist Information Awareness program, but it transferred funds and

projects from that program to the intelligence community. For these programs, there are restrictions on mining databases containing information on U.S. persons, and I applaud those restrictions. But data mining, properly applied, is an excellent way to isolate who the bad guys are. It is also important to ensure that research and development on data mining tools continues, even while deployment awaits the full development of policies, guidelines, and procedures for use of these tools.

Let me be clear: I do not support deployment without limitations, but I think that R&D continues to be important. Responsible, respected groups like the Markle Foundation Task Force on National Security in the Information Age and the Center for Democracy and Technology, along with scholars at the Brookings Institution and the Heritage Foundation, all have concluded that data mining tools can be enormously beneficial for our national security, and that these operations can be done in a way that preserves privacy and protects civil liberties.

But it will not happen automatically. It will require real work from the administration, especially in view of the hole it dug for itself over the TIA project. The bill tasks the administration to come to grips with the policy issues posed by advanced data mining technology, requiring the administration to report to Congress with proposed modifications to laws and policies, and I hope the administration will embrace this opportunity.

The bill contains a provision to expand the definition of "financial institution" in the context of the FBI's authority to issue national security letters which compel the production of financial records without a warrant. The expanded definition closes a potentially significant loophole in the government's ability to track terrorist financing. I agree with the gentleman from Florida (Chairman GOSS) on this point. On the other hand, however, I worry that language in the bill is not as clear as it needs to be that this authority to obtain records only pertains to the customer's financial relationship with institutions. I would have preferred this clarification to be in the statute. It is in the report language. I would have preferred the report language to be even stronger, and I remain concerned that the expanded definition leaves the potential, hopefully that will never be realized, for abuse in a classic fishing expedition.

The bill authorizes new personal services contracting for the FBI to allow it to more efficiently and flexibly surge capabilities against new missions. These powers granted to the FBI must not become a substitute for hiring full-time employees for the Bureau's long-term strategic needs or lead to other abuses in hiring practices. I spoke earlier this week with FBI Director Mueller and received his

assurances that he will personally review this program and be sensitive to potential abuses. It is important to have strong standards and criteria alongside the increased flexibility.

The gentleman from Florida (Chairman GOSS) has said, and I agree, that intelligence community reform, or transformation, must be a central focus of the committee next year.

Issues raised by our Iraq review and the Joint 9/11 Inquiry point to systemic challenges and raise fundamental questions of roles, missions, capabilities, and organization. These include whether the intelligence community should be headed by a Director of National Intelligence; whether the Nation would be best served by a domestic intelligence agency; the shortcomings of budgeting by supplemental; and our committee member, the gentleman from New Jersey (Mr. HOLT), made this point I thought quite effectively in our previous debate on the rule for this conference report. Also, strengthening the quality of HUMINT and other collection on hard targets; the roles and authorities of the Department of Defense in intelligence activities; and the roles and responsibilities of policy officials and intelligence analysts regarding objectivity of intelligence products.

Transforming the IC's approach to language and cultural expertise will also require special attention. I note the work of the gentleman from New Jersey (Mr. HOLT) and the gentleman from New York (Mr. BOEHLERT), two committee members, and strongly support the gentleman from Florida's (Chairman GOSS) proposal for a major initiative focused on building these skill sets.

In conclusion, Mr. Speaker, the best intelligence is key to stopping the insurgency and permitting reconstruction in Iraq today. It is key to addressing threats in Afghanistan today. It is key to countering threats from terrorism in Turkey and elsewhere today, and to addressing challenges in Iran and North Korea today and tomorrow. To produce less than our best intelligence is to protect national security less than is needed.

Mr. Speaker, it is an honor to serve as ranking member of this committee. Our 2004 authorization conference report was approved unanimously by our Members, and I urge its strong support.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), the distinguished vice chairman of the committee who is also chairman of our Subcommittee on Intelligence Policy and National Security. He is indeed a busy man.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the authorization legislation, and I thank the chairman for yielding me this time.

The conference report takes important steps to strengthen the intelligence community's ability to provide global analysis. I think it is an excellent report and an excellent effort on the part of the chairman, ranking member, and all Members and our staffs.

We are all aware that we are waging an aggressive war against terrorism. In addition, U.S. military forces are fighting the remnants of the former regime of Saddam Hussein. Yet we have global interests, for despite the immediate threats that we face, we must not devote all of our intelligence energies to Iraq and al Qaeda.

Mr. Speaker, I want to focus my remarks on two primary points. The first is related to human intelligence. The gentleman from Nevada (Mr. GIBBONS), I am sure, will cover that subject very well, since it is a primary responsibility of the subcommittee he chairs, so I will move to the second area. This relates to attacking the terrorists' finances. The gentlewoman from California talked about that to some extent just a few minutes ago. The distinguished gentleman from Florida (Mr. GOSS) has been very supportive in the progress that is being made in this legislation through his leadership. I think the important point is what we have done through this legislation within the Treasury Department.

Terrorist networks like al Qaeda obviously cannot function without significant financial backing. These terrorists, supported by (A) a shadowy network of fund-raisers, money lenders and shakedown artists; (B) businesses and charities serving as front organizations; and (C) unscrupulous facilitators and middlemen.

Now, prior to the attacks of September 11, the Treasury Department was not organized or equipped to take steps such as the freezing of terrorist bank accounts or assets. Frankly, it has never been as high a priority in Treasury as it should have been. H.R. 2417, this bill, creates an Office of Intelligence and Analysis within the Department of Treasury headed by an Assistant Secretary and tasked with the receipt, analysis, and dissemination of relevant foreign intelligence and counterintelligence information. In short, the conference report makes the Department of Treasury a real player, which can be an effective partner agency, in the global war on terrorism. This Member extends his appreciation to the chairman and the ranking member of the Committee on Financial Services for working in a constructive manner to include this important provision in our legislation today. This Member also congratulates the staff for the exceptional work here.

I think that the leadership presented by the gentleman from Florida (Mr. GOSS), the chairman, and the distinguished gentlewoman from California (Ms. HARMAN), the ranking member, has been demonstrated in bringing forth a genuinely bipartisan product.

The conference report is a very serious effort to improve our intelligence capacity. Each and every member of the committee and its staff dedicated long hours to the drafting of this legislation. Each member recognizes the importance of our actions and responsibilities and things yet to come. This body can justifiably, I believe, be proud of the efforts of the HPSCI in this case and, in particular, the leadership of the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. HARMAN).

Mr. Speaker, this Member urges strong adoption of the conference report to H.R. 2417.

Together, these endeavors have severely tested the capabilities of our intelligence resources. However, America's interests remain global, and we must not devote all our energies to Iraq and al Qaeda. The Intelligence Community must continue to provide timely, actionable intelligence on a host of potential threats—from nuclear proliferation threats on the Korean peninsula, to narco-traffickers in the jungles of Colombia, to collapsing regimes in West Africa.

Mr. Speaker, we live in a new world, and face new and more terrible threats. In many ways, information gathering was easier when the threat was the Soviet Union. Frankly, the Intelligence Community has been slow in adapting to this new environment. Our intelligence services did not reach out aggressively to recruit the "human intelligence" sources that could have provided us invaluable information. We lost far too many of the skilled analysts whose job is to provide early warning. H.R. 2417 provides much-needed funding to rebuild a dynamic, wide-ranging, global analytic capability. But we should be under no illusions—it takes years to develop skilled analysts who are able to "connect the dots" and provide our policymakers with timely information.

Ms. HARMAN. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Texas (Mr. REYES), a senior member of our committee.

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding me this time.

First, Mr. Speaker, I would like to thank the chairman of our committee and ranking member for their commitment to working in a bipartisan manner on the very important work that this committee has to do.

I rise today in strong support of the conference report for H.R. 2417, the Intelligence Authorization Act of 2004. Conferees and staff worked together closely to craft a bill that provides new and better capabilities to fight the war in Iraq and the war on terrorism, as well as to address a range of global intelligence challenges that we, as a country, face today.

I want to highlight two features of this very important bill. The first one is the requirement that the Director of Central Intelligence submit an Iraq Lessons Learned Report to the intelligence committees as soon as possible. Tuesday we debated the merits of the lessons learned in Iraq. I argued that Iraq must not become another Vietnam. We need to know from the intel-

ligence community what has and what has not worked, and what has and what has not gone well in Iraq. Better intelligence is essential to defeating the expanding insurgency that we are seeing there today. I am pleased that the bill underscores the urgency of intelligence lessons learned.

This bill also establishes a pilot project within the intelligence community to enhance the recruitment of individuals with diverse ethnic and cultural backgrounds, skill sets, and language proficiency. The House Permanent Select Committee on Intelligence recently held a rare public hearing on this very issue of diversity. A panel of experts highlighted the capabilities that a diverse workforce bestows upon the intelligence community. It brings added language capability and better understanding of foreign cultures. I am pleased that this bill encourages diversity in the intelligence community.

In a similar vein, this bill also fences a portion of the funds authorized for the community management account until the Director of Central Intelligence submits a report to this committee outlining his plan to improve diversity throughout the intelligence community.

I tried also to include in this bill conference language urging that the Drug Enforcement Agency to make funds available for the El Paso Intelligence Center's Open Connectivity project. That language unfortunately was not included. Nonetheless, I still feel that EPIC has an important role to play in countering terrorism, and I hope that it is recognized for that role in this committee and others in the near future.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), the chairman of our Subcommittee on Human Intelligence, Analysis and Counterintelligence, and a man who has carried some of the more difficult projects that we have had to deal with in this bill.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise in strong support of the Intelligence Authorization bill, and I want to thank my friend and colleague, the gentleman from Florida (Mr. GOSS), for granting me this time to speak on it.

This is a very good bill, Mr. Speaker. It represents a lot of hard work by very dedicated staffs on both sides of the aisle. It addresses intelligence needs that this committee has highlighted for many years. The good news is, Mr. Speaker, that some of the most crucial needs of our intelligence community, the human intelligence and analysis, are getting the funding and attention that they deserve. We are fighting a war on terrorism, and I cannot over-emphasize how important human intelligence, also known under the acronym of HUMINT, is to the security of the American people and to our national interests.

The satellites of the Cold War were key intelligence collectors, and our current reconnaissance vehicles are even better today than they have ever been in the past. However, in the world we live in right now, an overreliance on overhead photography and other technical programs would be a mistake. They cannot provide America with plans and intentions of terrorists who plot in secret, hide in civilian populations, and communicate with messengers.

□ 1215

What you have to have is HUMINT, collected by professionals possessing foreign language skills, foreign cultural knowledge, and specialized training necessary for success. This committee encourages the enhancement of these critical skills areas. And this bill authorizes essential funding needed to accomplish these goals.

The second crucial area in the war on terrorism is analysis. Our committee has expressed time and again the importance of a well-trained, experienced analytic cadre. Like the HUMINT capability, building a truly professional analytical cadre takes years of investment in people, technology, and training. The critical skill sets and professional cadres are still too thin and still too few in number. We are still paying the price for the mistakes of the mid-1990s. The good news is, Mr. Speaker, that this bill commits great resources to correct those mistakes.

CIA, FBI, Homeland Security, and other intelligence and law enforcement agencies desperately need qualified analysts. It takes years to develop them, but the development is under way. This committee has seen to that. And this bill is a key measure.

In conclusion, I want to emphasize that the bill before you will significantly help the intelligence agencies increase and sharpen their effectiveness, especially against terrorist groups.

I strongly support this measure, Mr. Speaker. I urge its passage and once again thank the chairman and the ranking member for their leadership in this.

Ms. HARMAN. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentleman from Iowa (Mr. BOSWELL), our committee member who is the ranking member on the Subcommittee on Human Intelligence, Analysis and Counterintelligence.

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I thank the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. HARMAN), the ranking member, for their leadership and untiring efforts to work together and produce this very meaningful bill. Plus I have never seen better and more dedicated staff than I have seen on this committee, and I appreciate them very much.

It is basic: we have to have the best possible intelligence to enable our troops and protect our Nation again a basic must-do. So I rise in support of H.R. 2417, the Intelligence Authorization Act of Fiscal Year 2004. What is the bottom line of this bill? The bottom line is that it funds important new intelligence capabilities while demanding accountability and improvement in certain areas.

Here are three examples: first, the conference report requires the intelligence community to conduct a review of lessons learned for military operations in Iraq. Based on the committee's reviews so far of prewar intelligence on Iraq, there were some serious deficiencies in collection and analysis that needed to be fixed, must be fixed. The lessons learned provision is essential and will identify new tools and techniques needed.

Second, as the ranking member of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, I want to strengthen HUMINT collection efforts around the world. In our efforts and briefings and in our committee members' oversight trips to Baghdad and other places, members have talked to dozens of intelligence officers who are fighting the war on terrorism and fighting to win the peace in Iraq. I admire their bravery, their patriotism, and their selfless dedication to duty.

This conference report provides them with tools they need to accomplish their mission. It expands language and cultural expertise in the intelligence agencies. It asks the administration to set up a process for reviewing the laws and guidelines associated with data mining. And it supports new tools for sharing information through the Terrorist Threat Integration Center and with local officials to the Department of Homeland Security and local FBI joint task force on terrorism.

Finally, the conference report includes measures that will strengthen the capabilities of defense human intelligence. Through further transformation and reform, defense HUMINT will become more flexible, agile, readily responsive to the Department of Defense intelligence requirements. This is a good bill that will protect Americans. I am pleased to support it.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD) who is the chairman of our Subcommittee on Terrorism and Homeland Security. And that subcommittee has, indeed, been hard at work.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LAHOOD. Mr. Speaker, I rise in support of the Intelligence Authorization Act for fiscal year 2004 and thank our chairman, the gentleman from Florida (Mr. GOSS), for yielding me this time.

I want to compliment the gentleman from Florida (Mr. GOSS) for his extraordinary leadership and the outstanding job that he does and also compliment our ranking member, the gentlewoman from California (Ms. HARMAN), for the good work that she does and the way in which both the chairman and the ranking member are able to work together. I too want to compliment our staff. I think they do a terrific job and work long hours on behalf of really trying to improve intelligence gathering and really keeping the Members posted on what is happening.

Never before have we needed or have we demanded so much of crucial importance from our intelligence community. The intelligence community provides the eyes, ears, and analytical brain power necessary to identify and prevent terrorist attacks. The cataclysmic events of September 11, 2001, provide a unique and compelling mandate for strong leadership and constructive change throughout the intelligence community. This bill adds to that impetus for change.

I believe our committee has authored legislation that strives to fully invest in and engage those economic, military, foreign policy, and law enforcement elements of our intelligence community in the war on terrorism. It strives to employ, integrate, and enhance the capability of the intelligence community to track down and destroy terrorist organizations both overseas and within the United States.

For instance, this legislation supports the attack on international financial support for terrorism, supports the unique analytical capabilities of the Office of Foreign Assets Control at the Treasury Department and further develops these capabilities by establishing the Office of Intelligence Analysis within the Treasury Department. The last measure will streamline and centralize the U.S. Government's capability to track terrorist financial networks around the globe.

As chairman of the Subcommittee on Terrorism and Homeland Security, I am acutely aware of the vital need for our intelligence resources to be marshaled not only on the international front but also in our homeland.

In order to defeat terrorism threats to our Nation, all elements of government must communicate and coordinate more effectively among themselves. The conference report supports efforts to encourage the flow of information, measures including FBI efforts to make internal, structural, and technological changes to improve and expand the use of data mining and other cutting-edge analytical tools; authority for the FBI director to enter into contracts for needed services like language skills, intelligence analysis, and other high-value requirements relate to the flow of information not already available; the creation and nurturing of the Terrorism Threat Integration Center as a central office to monitor threats to the Nation; the inauguration

of the Department of Homeland Security's office of Information Analysis and Infrastructure Protection to facilitate timely sharing of relevant information with all appropriate Federal and State and, very importantly, local first responder authorities.

Our committees will continue to encourage the intelligence community development of clear policies and guidelines by which no resource is wasted, no credible terrorist threat left undetected, and threats to our homeland continue to diminish.

The House Permanent Select Committee on Intelligence is very proud of the men and women that serve in the war on terrorism. I am convinced that the bill will make them more effective in their efforts to defend our country. I urge our colleagues to support this legislation.

I would be remiss, though, if I did not say something about what has taken place in what I would characterize as the politicizing of the intelligence gathering in the other body. Specifically, the Senate Select Committee on Intelligence has, I believe, tried to use intelligence gathering as a political vehicle for nothing other than political gain against the President and his team. This is wrong and I decry those who want to use the intelligence efforts of this country for political gain.

These political efforts are unprecedented and I hope the embarrassment brought to bear on the Senate Select Committee on Intelligence will put an end to the charade that has taken place.

Mr. Speaker, at this point I will enter into the RECORD the memo that has been made public that came from the Senate Select Committee on Intelligence.

We have carefully reviewed our options under the rules and believe we have identified the best approach. Our plan is as follows:

(1) Pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by Administration officials. We are having some success in that regard. For example, in addition to the President's State of the Union speech, the Chairman has agreed to look at the activities of the Office of the Secretary of Defense (e.g. Rumsfeld, Feith and Wolfowitz) as well as Secretary Bolton's office at the State Department. The fact that the Chairman supports our investigations into these offices, and cosigns our requests for information, is helpful and potentially crucial. We don't know what we will find, but our prospects for getting the access we seek is far greater when we have the backing of the Majority. (Note: We can verbally mention some of the intriguing leads we are pursuing).

(2) Assiduously prepare Democratic "additional views" to attach to any interim or final reports the committee may release. Committee rules provide this opportunity and we intend to take full advantage of it. In that regard, we have already compiled all the public statements on Iraq made by senior Administration officials. We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the

inquiry. The Democrats will then be in a strong position to reopen the question of establishing an independent commission (i.e. the Corzine amendment).

(3) Prepare to launch an Independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the Majority. We can pull the trigger on an independent investigation of the Administration's use of intelligence at any time—but we can only do so once. The best time to do so will probably be next year either:

(A) After we have already released our additional views on an interim report—thereby providing as many as three opportunities to make our case to the public: (1) Additional views on the interim report; (2) announcement of our independent investigation; and (3) additional views on the final investigation; or

(B) Once we identify solid leads the Majority does not want to pursue. We would attract more coverage and have greater credibility in that context than one in which we simply launch an independent investigation based on principled but vague notions regarding the “use” of intelligence.

In the meantime, even without a specifically authorized independent investigation, we continue to act independently when we encounter foot-dragging on the part of the Majority. For example, the FBI Niger investigation was done solely at the request of the Vice Chairman; we have independently submitted written questions to DoD; and we are preparing further independent requests for information.

Summary

Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, we have an important role to play in revealing the misleading—if not flagrantly dishonest methods and motives—of the senior Administration officials who made the case for a unilateral, preemptive war. The approach outline above seems to offer the best prospect for exposing the Administration's dubious motives and motives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members it is not appropriate during debate to characterize the actions or inactions in the other body.

Ms. HARMAN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO), my colleague and classmate, the ranking member on our Subcommittee on Intelligence Policy and National Security.

Ms. ESHOO. Mr. Speaker, I rise in support of this conference report. And I want to express in the beginning of my comments my appreciation for the hard work, the cooperation of all of my colleagues on the committee, of course, our distinguished chairman and, most particularly, the gentlewoman from California (Ms. HARMAN), who I think really leads us so well on our side and really brings such credit to the work that we do. To the staff of our committee, and, certainly, from where I speak, the minority staff; The word “intelligence” is used all the time—I think it resides first with them. They are second to none. And I really salute them for the work they do day in and day out.

This legislation was prepared with our minds still focused on the lessons

of September 11 and as the drama in Iraq was unfolding. By these yardsticks this conference report reflects important progress in many areas. One of the most significant lessons to emerge from the joint congressional inquiry into the 9/11 tragedy is the need to improve information-sharing through the extension of modern information technology. Sounds like a no-brainer. But what we have found is that simply was not the case.

The Permanent Select Committee on Intelligence made a concerted effort this year to chart a path to bring the information revolution to the intelligence community. So it is imperative for the Congress to sustain the pressure next year and for the executive branch to embrace this vision.

Regarding so-called data mining of government and private sector databases, this is an extraordinarily large issue, and it contains extensive information on U.S. persons. And this conference report strikes what we believe is the right balance between security and privacy protection for the American people. The American people care about this. The conference report authorizes continued development of data mining tools, but it prohibits their use against domestic databases. It calls for the administration to begin defining the policies, the procedures, and the technologies necessary to safeguard this privacy.

I would like to turn just briefly to the problem of prewar intelligence. The intelligence community has to face up to the problems and the shortcomings in its Iraq estimates. That is why I strongly support the conference report's requirement for the intelligence community to report on lessons learned.

I want to again thank the committee, the committee staff, my colleagues, most especially our gifted leader, the vice chairman of the House Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA) who is chairman of the Subcommittee on Technical and Tactical Intelligence and, obviously, a critical member of the team who has also been one of our world travelers to places that not everybody wants to go to.

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 2417 and the conference report to accompany the 2004 intelligence authorization bill.

Mr. Speaker, I am proud to serve as a member of the Permanent Select Committee on Intelligence. It is my pleasure to commend the leadership and direction of the gentleman from Florida (Chairman GOSS) and the ranking member, the gentlewoman from California (Ms. HARMAN), on this non-partisan bill at a time in this country's history when it is needed most.

This bill addresses the critical need to review the Nation's imagery capabilities and the intelligence commu-

nity's strategic plan for an imagery architecture. It is imperative that the community sees into the future with a utility of a cohesive imagery structure that focuses on each technical collection system and how it fits uniquely or with intentional redundancy into this broader framework we call an imagery architecture strategy. I think we have a fair spending plan here that provides the support that is needed, yet challenges the community to see more clearly a comprehensive vision of a much-needed cohesive architecture. Just like an architect, we must have a blueprint.

Mr. Speaker, on that note I would also like to express my disappointment that the choices presented to us in this conference report require us to fund a particular classified collection system within this bill. This system does not fit into what we hope will be our Nation's well-conceived architecture. In fact, it is a transgression. It may perpetuate a series of problems.

I would like to commend my colleague, the gentleman from Nevada (Mr. GIBBONS), for his efforts in spearheading a committee campaign to educate all members of the committee on the pros and cons of this program and to praise him for the impact that he had on the authorization for the program in this bill.

Mr. Speaker, the intelligence community is building a number of tools. I believe we need to use them and use them jointly and across services and agencies. I am glad to say that this bill addresses the need for greater emphasis on tasking, processes, exploitation, and dissemination practices within the intelligence community.

□ 1230

These intelligence systems are becoming so proprietary and so complex and so autonomous that neatly networking them is becoming equally as difficult. It is very important that we observe collectively how these systems are used and by whom for greatest benefit. I believe this bill enforces that concern.

Mr. Speaker, H.R. 2417 supports our intelligence community as it supports our country's defense. Most visibly our intelligence community is fully supporting our military and other personnel in Operation Iraqi Freedom, in Operation Enduring Freedom, at Guantanamo Bay and here in homeland security operations. Mr. Speaker, intelligence is our Nation's first line of defense. We need to support it and our intelligence professionals who continue to do heroic, but unheralded, work around the globe.

Mr. Speaker, I am pleased that this bill properly supports the intelligence community as it proves our best and first line of defense for America. I urge my colleagues to support H.R. 2417.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from

California (Ms. HARMAN) has 13 minutes remaining. The gentleman from Florida (Mr. GOSS) has 11 minutes remaining.

Ms. HARMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), another committee member.

Mr. HOLT. Mr. Speaker, as many of my colleagues have already done, I would like to compliment the chairman on his commitment to bipartisanship within the committee, not only in the presentation of this bill but in so many of the committee's activities. The two sides may not see eye to eye on every issue, but the two sides do share a commitment to national security.

I especially want to thank the ranking member, the gentlewoman from California (Ms. HARMAN), for her leadership and bipartisanship. She brings to her position a vigorous commitment to the Nation's intelligence.

Mr. Speaker, I rise in support of H.R. 2417. The bill enhances our Nation's intelligence capabilities in several important ways: In all source analysis, in foreign language capabilities, in human intelligence, in counter-terrorism watchlists and in particular programs. It is a step forward in what is I think a long-term transformation of the intelligence community.

The bill is based on a good measure of oversight, but as I spoke earlier today here, it is difficult to provide the kind of full oversight of such a multifaceted and secretive undertaking, but it is essential that we do so.

Intelligence, like law enforcement and policing, is essential to an orderly society; but like policing, it has great potential for misuse, challenging personal rights and civil liberties and abroad it can harm as well as advance our interests.

It is also essential that we, as a committee, support and stand behind the dedicated people and very talented people who sacrifice so much, sometimes even their lives, to keep alive American ideals.

We know that our intelligence is not perfect. We have a particularly good example of that in the intelligence that led up to and into the war with Iraq. I hope the committee will continue to scrutinize the way in which intelligence on Iraq's threat or perceived threat to the United States may have been deficient and to draw lessons for the future. The committee's oversight of this issue will be especially important if the long-term transformation of the intelligence community is to result in better intelligence.

I hope we will continue to move toward more use of understanding of unclassifieds and open sources. There is often, in fact, more useful knowledge in open sources than from the secret sources that the intelligence community sometimes so depends on.

I am disappointed that this bill does not include my proposal to authorize \$10 million for two programs designed

to increase language proficiency in America. Inadequate language capabilities actually threaten our national security. We must invest more in the creation of a workforce possessing requisite language skills; and to do this we must build greater proficiency throughout the country. We must increase the pool. There is bipartisan agreement on that, I believe, in the committee.

I appreciate the chairman's commitment to finding a comprehensive solution to intelligence community deficiencies, indeed, national deficiencies in our language capabilities. I look forward to doing that with the chairman in the next session on, as in so many things in this committee, a bipartisan basis.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a very dedicated member of our committee who is well known for other capabilities as well.

Mr. CUNNINGHAM. Mr. Speaker, I thank the chairman and the ranking member. This is a good bill. It is a bipartisan effort. The members, the people that have been on the committee and the new members I think have done a good job, and especially the staffs. Everybody should vote for this bill. It is good however, I have some concerns that I would like to bring up, not about the bill, but about the intelligence process.

For years, our military has been drawn and cut down in half. If you look at the Air Wings, the number of services, the number of tanks, the number of ships, the number of Marine Corps, the number of Air Wings that we have, it has almost been cut in half, but yet we ask our military to do almost four times what they did during previous years.

Now, how does that effect the intelligence community? Because every time DOD is deployed, our intelligence agents have to deploy with them. We spread them thin. And there are Members in this body and the other body that continually, through their liberal views, choose to cut defense and intel to pay for social programs.

Now, those in many cases are the same Members that I have heard get up on this floor and in the other body talk about, oh, how devastating it is that we do not have enough body armor for our troops or we cannot upgrade Humvees or that George Tenet should be replaced. But in some cases, those same Members have voted to cut the funding necessary to give those individuals the tools they need to do their job, and that is wrong.

You will not see that portion in any report that we have done either in this body or the other body, because I do not think they have got the guts to put it in there. They will not point at themselves, because they won't give our kids and our intel folks the funding that they need.

We have older systems that have been drawn out. In the previous admin-

istration, we went into Haiti and Somalia. Those places are the hell holes of the Earth, and they are still there. Look at Kosovo, the number of missions. You know how many tanks we sunk in Kosovo? Five. We destroyed a country, but we had five kills and we wore out our equipment. Guess what? CIA and intel and NSA, they were all involved in that, and we spread them thin. So I would caution the Members who chastise Mr. Tenet or any of the other leadership that we put in those positions because we need to give them the tools to do their job. They are hard working, dedicated individuals, spread to thin.

The other thing that I would bring up that upsets me is that there have been some memos using this committee in the other body as a partisanship tool to take a majority and the White House. That is wrong. During a time of war, Mr. Speaker, that does disservice to this Nation, to this committee and to the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind Members it is not appropriate during the debate to characterize actions or inactions in the other body.

Ms. HARMAN. Mr. Speaker, I yield myself 10 seconds.

I would just point out that Members on our side strongly support the women and men in the field who work in our intelligence community. I assume the prior speaker is aware of that.

We also, to my knowledge, have not produced any memos around here that could be characterized as divisive. We are all pulling in the same direction, and that is, hopefully, to enhance our national security.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a senior member of our committee and a senior member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend, the ranking member, and she is my friend, for yielding me time.

Mr. Speaker, I regret that the gentleman from California (Mr. CUNNINGHAM), our colleague on the other side who just spoke, has left the room. For I did want to remind him what the ranking member just has said and that is every member of the House Permanent Select Committee on Intelligence vigorously and actively supports the intelligence community in its entirety and fully recognizes the extraordinary and dangerous work that they do on behalf of this great Nation.

I rise in support of this measure. As ranking member of the Subcommittee on Terrorism and Homeland Security, I have had the privilege to meet many talented and dedicated intelligence professionals. I sincerely appreciate the sacrifices they have made to ensure that United States interests both in

our homeland and abroad are protected. We must make a continued investment in human resources, our greatest intelligence assets. This bill does that by increasing funds available for language proficiency maintenance and awards initiatives and providing specialized training for collectors and analysts.

I am pleased that this bill also includes a provision similar to one I offered on the House floor. It requires the intelligence community to establish a pilot project to recruit people of diverse ethnic and cultural backgrounds and those proficient in critical foreign languages. Annual statistics, and the committee's November 5 public diversity hearing demonstrate that the intelligence community continues to lag behind the Federal workforce and the private sector in the number of women and minorities in its ranks, especially in core mission areas. Clearly, more must be done to increase diversity across the intelligence community. I believe that this pilot project is another important step in this regard.

Finally, it is important to note that this bill authorizes only part of the operating funds for the intelligence community. A huge portion of intelligence funds were provided in the \$87 billion Iraqi counterterrorism supplemental and in the supplementals that proceeded it. I am extremely concerned about our government's increasing overreliance on supplemental appropriations.

Budgeting by supplementals greatly undermines the committees's ability to effectively oversee how funds appropriated by Congress are spent. I fear this trend may lead to less accountability in the budget building and accounting process, a perhaps unintended, but nonetheless unacceptable, consequence.

On balance, this bill does much to enhance our Nation's international security efforts. For this reason, I urge my colleagues to support it. I am prepared at this time to support this measure.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the committee.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me additional time.

I did want to mention in response to what the gentleman from New Jersey (Mr. HOLT) said about the language issue, I have been charged with the responsibility, with the help of the gentlewoman from California (Ms. ESHOO), for taking on this subject and seeking broadly the sources of information to give us the best product. My hope is that we will have a separate bill on the subject of language training and recruitment before the House some 4 to 6 months after the next session of Congress is convened.

I also wanted to speak further on the HUMINT issue. Our distinguished col-

league from Nevada (Mr. GIBBONS) has emphasized the importance of this issue very well, but I want to bring up a couple of other points.

I mentioned, of course, that we are focussed heavily on the terrorist conflicts that create so many problems for us in places like Afghanistan and Iraq. However, we do have global responsibilities. So the intelligence community needs to continue to provide timely, actionable intelligence on a host of potential threats from nuclear proliferation threats on the Korean peninsula, from narcotraffickers in the jungles of Colombia, from collapsing regimes in West Africa.

Mr. Speaker, I would emphasize for our colleagues, and all Americans, that we live in a new world and face new and more terrible threats. In many ways, information gathering was easier when the threat was the Soviet Union. Frankly, the intelligence community has been slow in adapting to this new environment.

In the judgment of this Member, our intelligence service did not reach out aggressively to recruit the human intelligence sources that would have provided us with valuable information.

In our previous authorization bill, we corrected one of the reasons for that failure in asset recruitment. Also, because of budgetary restraints, the intelligence community in the mid-1990s lost far too many of its skilled analysts whose job was to provide early warning. This legislation provides much-needed funding to further rebuild a dynamic, wide-ranging global analytical capability. But we should be under no illusion. It takes years to develop skilled analysts who are able to connect the dots and provide our policy makers with timely information.

□ 1245

Mr. Speaker, we have made a start here. This is good legislation. I urge its support and I thank the chairman for yielding me this time.

Ms. HARMAN. Mr. Speaker, my understanding is there is an additional speaker on the other side, and then the gentleman from Florida (Chairman GOSS) obviously has the right to close. I would reserve our time until all speakers but the chairman have spoken.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Idaho (Mr. OTTER).

(Mr. OTTER asked and was given permission to revise and extend his remarks.)

Mr. OTTER. Mr. Speaker, I thank the chairman for this time that he has offered me today.

I rise in deep concern over a provision in this legislation. Like most of my colleagues, I supported H.R. 2417 when it came before the House in June; but after tertiary review, I find that there is a provision in the bill that potentially has long-reaching effects on civil liberties. H.R. 2417 includes a provision that would expand the FBI's

power to demand financial records, without a judge's approval, to a large range of businesses, vastly wider than their current authority.

Right now the FBI has the authority to serve subpoenas to traditional financial institutions when investigating terrorism and counterintelligence without having to seek a judge's approval. The law understands the phrase "financial institutions" as we do: banks, loan companies, savings associations and credit unions. Currently, these are the types of institutions subject to administrative subpoenas.

The provision in this bill, however, uses a definition of financial institutions to decide what organizations are subject to administrative subpoenas. Under this bill, not only are the traditional financial institutions like banks and credit unions affected but so are pawnbrokers, casinos, vehicle salesmen, real estate agents, telegraph companies, travel agencies, the U.S. Postal Service, just to name but a few.

Winning the war against terrorism is indeed vital, Mr. Speaker, and we must make sure that our law enforcement officials have the tools necessary to engage this war and win these battles. The FBI's need for authority to subpoena these groups in order to track and find and shut down terrorist operations is not in question, and I do not question that. However, under these provisions, the FBI no longer needs a court order to serve such a subpoena on a new and lengthy laundry list of financial institutions. With this legislation, we eliminate the judicial oversight that was built into our system for a reason, to make sure that our precious liberties are protected.

In our fight for our Nation to make the world a safe place, we must not turn our backs on our own freedoms. Expanding the use of administrative subpoenas and threatening our system of checks and balance is a step in the wrong direction.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from California (Ms. HARMAN) has 7 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 4 minutes remaining.

Ms. HARMAN. Mr. Speaker, I am the concluding speaker on our side, and I yield myself such time as I may consume.

Let me say first that the views of the prior speaker are views I share. I am sad to hear that he will oppose the bill, but I certainly agree that we need to be sure we are narrowing the reach of these national security letters and limiting them only to financial transactions. It is important that we find terrorists.

It is important that we track terrorist financing; but it is, by my lights, risky to fail to include additional language in the bill or the report that would make clear what our intent is. I hope this new authority will not be

abused. I will certainly be watching it carefully, and I do appreciate the fact that the prior speaker expanded on what abuses could potentially occur.

Mr. Speaker, first I would like to thank the women and men who work in our intelligence community around the world. I have been to austere places all over the world, and I have met women and men who work in the most dangerous conditions who put our security first, ahead of theirs, and who leave their families at home and take enormous risks for our country. I salute them. I know how dangerous their jobs are. I appreciate what they do every single day.

And particularly, let me say today to our intelligence community in Iraq and in Turkey and places that are under siege, I really appreciate what they are doing. I thank them very much.

I also want to say thank you to the members of this committee. All of them work hard. There is bipartisanship in this committee, and I thank the gentleman from Florida (Mr. GOSS) for the partnership we have had over some years now.

Let me thank the hardworking staff on a bipartisan basis. Every one of them works enormously hard, and I would just like to recognize the eight minority staffers, most of whom are sitting around me right now: Suzanne Spaulding, the minority chief of staff; Bob Emmett; John Keefe; Beth Larson; Marcel Lettre; Kirk McConnell; Wyndee Parker; and Ilene Romack. Thank you every day for what you do.

Let me just make three concluding points. First, facing tough issues. It is absolutely critical at a time when security risks are expanding around the world that we face tough issues; that Congress face tough issues and ask tough questions; and that the intelligence community, which tries hard but has not always delivered perfect products, face tough issues, go through this lessons learned exercise and learn from wrong judgments that were made or inadequate collection that occurred so that the next products that are prepared by good people can be the best possible products. Please let us face tough issues.

Second of all, I want to make the point that our oversight in this committee on a bipartisan basis requires constructive criticism of the intelligence community. We have done this over the years. Last year, we issued a tough report. The Subcommittee on Terrorism and Homeland Security, of which I was ranking member and Mr. CHAMBLISS, who is now in the other body, was chairman, issued a tough report on some of the problems in intelligence leading up to 9/11. That report was constructive criticism. Some of the recommendations we made have been heeded; some have not. Constructive criticism, asking tough questions are things we properly should do.

Finally, let me suggest again to the intelligence community that it is important to engage in dialogue with this

committee. Shrill press releases are not dialogue. Quiet conversations, talking about how we see things, what we think can be improved, why it needs to be improved, will get the job done.

This bill provides many new resources, many, many new resources, and is carefully crafted to suggest best directions for the intelligence community. We have confidence in the people who work there. We are proud of them. We thank them. We are trying to help them do better.

I urge support of this authorization conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself the remaining time.

I just want to take a few minutes to congratulate my ranking member for the superb job that she has done on her side of the aisle in this conference report and throughout the year. To say she is hardworking and dedicated does not quite get it. I have words here that say her determination is fierce and she is definitely a force to be reckoned with. That does not quite say it either. She is a very valuable asset, and we are very grateful for her energies and suggestions and leadership and the way she goes about her business.

This is her very first conference report as ranking member I think, if I have got my history right; and she obviously was of significant importance in bringing the report through for the authorization bill that the House did, but she was also significantly helpful in the negotiations with the other body which I am not allowed to mention.

I would also like to thank each and every member of HPSCI for their undying dedication to the security of our Nation and the protection of the people of the United States. That is what we do. Each member works very hard learning the business of intelligence, and it is not an easy subject. What they come to understand in that process is that this Nation is far better off with our intelligence professionals than we would be without them. I know sometimes the debate rages about whether intelligence is an appropriate thing for gentlemen to be discussing in a civilized society. Well, I can tell my colleagues we could not exist without it.

The rank-and-file employees of the intelligence community every day, as the gentlewoman has said, protect the very liberties we cherish. They do it day in and day out; and as they go about gathering the secrets and information necessary for our policy-makers to make the very tough decisions they have to make, they incur a lot of risk. The members of the HPSCI understand this pretty clearly. That is because we have been out and about and talking to them. We do travel a lot. We go to the places that not everybody wants to go to. We get into the issues not everybody wants to fool around with. Frankly, that is why it is easy to leave partisanship outside the door of the committee chamber.

Finally, I want to thank committee staff, all HPSCI staff, all sides, both together, including, obviously, Democratic members and Republican members and those who do not want to declare either side who we call our support staff. Without staff support, it is obviously their expertise, their dedication, our committee would not do much of anything.

They do work late hours. I know that occasionally when I work late hours I find them there. I find them occasionally when I come in early I find them there. They do wonderful things for us, and they get very little recognition. I know a lot of the work is tedious and mundane and a lot of it is exciting, and I appreciate their contributions in all of those areas.

The other thing I know for sure is the work space up there leaves a lot to be desired, and I promise we are going to work on a lavatory soon. We do feel the days have come when there is indoor plumbing, and we should acknowledge that on the Permanent Select Committee on Intelligence.

Everybody deserves congratulatory words today, and I want to thank everybody, and I mean that very sincerely.

There is one person on the committee I am going to single out today, though, who serves as the committee's budget director who is entitled, I think, for specific recognition this year. Mike Meermans has served the government for now, I am told, 30 years, in fact something in excess of that. Among other jobs in the United States he served in the United States Air Force, and he has been engaged by the government as an Arab linguist. Mike has been with HPSCI since 1995. This is his 8th year on the committee.

It has been a very trying year for Mike, whose college-age son early in the year was diagnosed with cancer. Throughout his son's course of treatment, Mike was by his side, I know, every step of the way, being a great father, and all the while managing the committee's authorization process, crunching numbers, writing the report language, negotiating with the executive branch and with the other body, and frankly, getting into mysteries in the intelligence community that I find too complex to understand. He did all of this with energy, with fortitude and aplomb. He is the manifestation of the wonderful and professional staff which HPSCI is blessed with and is well served by.

I just wanted to say to Mike that he is appreciated not just for his legislative talents but more so because he is a good guy. He is a nice guy, a great father. His only purpose in serving HPSCI is actually to make America stronger, and this year when he had family duties, he understood those as well and met them.

To his wife, Lois, and their family, especially their son Brian, I thank them for allowing him to work so hard for us, and I am sorry we had to take

him away so much of the time. We are better and the Nation is stronger because of him, and their pride in him is very well deserved. We share that pride.

Mike, for you, thank you for all your hard work in years past, this year especially. You made an extremely difficult year for you personally a successful year for the committee. You made it seem routine. We are all extremely happy to hear your son is on the mend and recently received more good news from the doctors. Our prayers for continuous good news are with you. You deserve our gratitude, and we express it here now.

I also want to say that about a year ago we were just packaging up the joint inquiry product. We had an extensive effort with our colleagues in the other body to understand 9/11, what went wrong. We came up with a good report. It was a long one. I think it steered us in some directions that corrections have already been taken. It also created a follow-on commission, the national commission, which is at work now under the leadership of Governor Kean and former member Lee Hamilton, for whom we have great admiration. I think that I should point out to the people in the United States of America that we are part of the review they are doing. We have invited them to conduct oversight of how we do oversight. So the American people can be reassured that there is oversight of the intelligence community, and some of the things we cannot talk about are indeed watched by others.

My time has come to an end. We have had a good year. We look for a better year ahead dealing with capabilities to make sure our country is safer.

Mr. OXLEY. Mr. Speaker, I rise in support of the conference report for H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004, and to note the Financial Services Committee's interest in three sections of the report. All of the sections seek to improve this country's ability to fight the financing of terrorists, and I wholeheartedly support them.

Section 105 of the report establishes an Office of Intelligence and Analysis within the Department of the Treasury, headed by an Assistant Secretary appointed by the President after consultation with the Director of Central Intelligence. Formation of the office is necessary because the Treasury's Office of Foreign Assets Control and its Financial Crimes Enforcement Network are essential tools in the fight against the funding of terrorism, but today lack access to some "secure" information essential to that effort. Establishment of the office creates a secure channel for that information to flow, as necessary, to FinCEN and OFAC, and for them to send back appropriate information.

Section 374 modernizes the definition of financial institutions that may be served administrative subpoenas, as rigidly controlled by the existing Right to Financial Privacy Act. When that Act was written, banks were really the only "financial institutions" a terrorist might have used to stash or transfer money. As our efforts to stamp out terror financing have become more successful, a lot of that activity

has moved over into other, less-traditional sorts of financial-services businesses—even, for example, to dealers in precious commodities such as gold or diamonds. The USA PATRIOT Act appropriately expanded the definition of "financial institution" to include these other financial-services businesses. This section establishes parity in the definition of "financial institution" between the PATRIOT Act and the RFPA, allowing the judicious use of administrative subpoenas in terror cases to reflect this larger universe of businesses that might be exploited. Here I must note my discomfort that the conference report ignores the Financial Services Committee's request that Section 374 include the right to injunctive relief as provided for in Section 1118 of the Right to Financial Privacy Act.

Section. 376 allows for the "in camera" review of sensitive information that leads to imposition of "special measures" isolating rogue countries or banks, as defined under Sec. 311 of the PATRIOT Act. Under the previous version of Sec 311, there is no ability to protect this sensitive information should it be necessary for the imposition of the "special measures," and that omission argues against use of the powers as effectively as we would like. For example, if the Central Intelligence Agency should have information that a bank were doing business with a terrorist, it quite possibly would be counterproductive to expose the CIA's sources and methods to indict individuals or shut down the bank, but the Treasury's "special measures" under Sec. 311 could effectively isolate the bank if the sensitive information could be used "in camera." This section merely provides protection of that sensitive information that might be used to support the imposition of those measures.

Mr. Speaker, these three sections are all important tools in the fight against terrorism, and I strongly support their inclusion. I regret that Section 1118 was not reference in the report's Section 374, and the Financial Services Committee reserves the right to address that issue later. Meanwhile, I support the conference report and ask for its immediate passage.

Mr. CONYERS. Mr. Speaker, I rise to state my opposition to a provision in this conference report that intrudes on our civil liberties and will do little, if anything, to protect us from terrorism.

I think it is important that law enforcement have the powers it needs to investigate acts of money laundering that are connected to terrorism and espionage, but we must ensure those powers are reasonable and appropriately crafted. Current law already gives the FBI the ability to obtain financial records from various financial institutions, which are defined as banks, savings and loans, thrifts, and credit unions, with little or no judicial oversight. In fact, the government can delay notification to a court that it has sought such records if it merely certifies in writing that it required emergency access to the documents.

Now, the FBI is seeking investigative authorities beyond what are necessary for terrorism and intelligence investigations. Section 374 of the conference report would give the FBI even more unfettered authority by subjecting a broader group of "financial institutions" to the FBI's special investigative authorities. The FBI would be able to seek financial records not only from traditional financial institutions but also from pawnbrokers, travel agencies, car dealers, boat sellers, telegraph

companies, and persons engaged in real estate transactions, among others.

The record of the Bush administration demonstrates that this provision is a significant intrusion on our civil liberties that will not be used to protect us from terrorism. In the days after September 11, the administration demanded from Congress expanded powers to root out terrorist activity. Congress granted much of those powers in the form of the USA PATRIOT Act, but the administration has yet to justify how it has used those powers to find the planners of the 2001 attacks or to thwart other, planned attacks. Instead, the administration returns to Congress with requests for more authorities, such as this one, in a grab for power.

For these reasons, I urge my colleagues to vote "no" on this conference report.

Mr. KUCINICH. Mr. Speaker, I stand today strongly opposed to the Conference Report on H.R. 2417, the Intelligence Authorization Act for FY 2004.

Although the House of Representatives recently voted in a bi-partisan and overwhelming fashion to repeal Section 213 of the PATRIOT Act, a provision that threatens Americans' rights by allowing for "sneak and peak searches", it appears the administration is poised to move ahead with further actions that endanger civil liberties by slipping an expanded PATRIOT Act power in the Intelligence Conference Report.

The hidden measure would significantly expand the FBI's power to acquire financial records without judicial oversight from car dealers, pawnbrokers, travel agencies, and many other businesses. Traditional financial institutions like banks and credit unions are already subject to such demands, but this dramatic expansion of government authority will mean that records created by average citizens who purchase cars, plan vacations, or buy gifts will be subject to government seizure and analysis without the important requirements of probable cause or judicial review.

This provision initially appeared in a leaked draft of so-called "PATRIOT II", a proposal the American public and Members on both sides of the aisle in the House and Senate publicly rejected. It is now clear the administration's strategy is to pass PATRIOT II in separate pieces with little public debate and surreptitiously attached to other legislation. This is far from an appropriate or democratic way to handle issues that affect the fundamental liberties and freedoms of Americans.

I urge the administration and the Attorney General to openly and honestly return to Congress to discuss options that curtail, not expand, the PATRIOT Act to make it consistent with the United States Constitution. I also urge my colleagues to vote against the Intelligence Conference Report and this unnecessary and dangerous expansion of the government's assault on civil liberties.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3182. An act to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1904) "An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes," disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. MCCONNELL, Mr. CRAPO, Mr. DOMENICI, Mr. HARKIN, Mr. LEAHY, and Mr. DASCHLE, to be the conferees on the part of the Senate.

□ 1300

RECESS

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 p.m.), the House stood in recess subject to the call of the Chair.

□ 1335

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

House Joint Resolution 78, by the yeas and nays;

conference report on H.R. 2417, by the yeas and nays;

motion to instruct on H.R. 1, by the yeas and nays; and

motion to instruct on H.R. 2660, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the vote on the passage of the joint resolution, H.J. Res. 78, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 410, nays 10, not voting 14, as follows:

[Roll No. 648]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle

Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Henger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly

Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler

Berry
Capuano
DeFazio
Filner

Berman
Blackburn
Buyer
Cubin
Davis (FL)

Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner

NAYS—10

Flake
Ford
Jackson-Lee
(TX)

NOT VOTING—14

DeMint
Fletcher
Gephardt
Kaptur
Maloney

Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

Kucinich
Miller, George
Paul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

Mr. TERRY changed his vote from "nay" to "yea."

□ 1358

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mrs. BLACKBURN. Mr. Speaker, on rollcall No. 648, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. RUPPERSBERGER. Mr. Speaker, on November 20, 2003, I was attending the funeral of my long time friend and one of my dearest colleagues, Maryland State Delegate Howard P. Rawlings, chairman of the Maryland's House Appropriations Committee. Because of the services, I was unable to make rollcall vote 648.

If I were present, on rollcall vote 648, I would have voted "yea."

CONFERENCE REPORT ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2417, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 163, not voting 7, as follows:

[Roll No. 649]

YEAS—264

Aderholt	Cramer	Harris
Akin	Crane	Hart
Alexander	Crenshaw	Hastings (FL)
Andrews	Crowley	Hastings (WA)
Bachus	Culberson	Hayes
Baker	Cunningham	Hayworth
Ballenger	Davis (AL)	Hefley
Barrett (SC)	Davis (CA)	Hensarling
Barton (TX)	Davis (TN)	Herger
Bass	Davis, Jo Ann	Hinojosa
Beauprez	Davis, Tom	Hobson
Bereuter	Deal (GA)	Hoekstra
Biggett	DeLay	Holt
Bilirakis	Diaz-Balart, L.	Hostettler
Bishop (GA)	Diaz-Balart, M.	Houghton
Bishop (UT)	Dicks	Hoyer
Blackburn	Dooley (CA)	Hulshof
Blunt	Doolittle	Hunter
Boehlert	Dreier	Hyde
Boehner	Dunn	Isakson
Bonilla	Edwards	Israel
Bonner	Ehlers	Issa
Bono	Emerson	Istook
Boozman	English	Janklow
Boswell	Eshoo	Jenkins
Boyd	Evans	John
Bradley (NH)	Everett	Johnson (CT)
Brady (TX)	Feeney	Johnson, Sam
Brown (SC)	Ferguson	Keller
Brown-Waite,	Foley	Kelly
Ginny	Forbes	Kennedy (MN)
Burgess	Fossella	King (IA)
Burns	Franks (AZ)	King (NY)
Burr	Frelinghuysen	Kingston
Burton (IN)	Frost	Kirk
Calvert	Galleghy	Kline
Camp	Garrett (NJ)	Knollenberg
Cannon	Gerlach	Kolbe
Cantor	Gibbons	LaHood
Capito	Gilchrest	Lantos
Cardin	Gillmor	Latham
Cardoza	Gingrey	LaTourette
Carson (OK)	Goode	Lewis (CA)
Carter	Goodlatte	Lewis (KY)
Castle	Goss	Linder
Chabot	Granger	Lipinski
Chocola	Graves	LoBiondo
Clay	Green (WI)	Lowe
Coble	Greenwood	Lucas (KY)
Cole	Gutknecht	Marshall
Collins	Hall	Matheson
Cox	Harman	McCarthy (NY)

McCotter	Portman	Smith (TX)
McCrery	Pryce (OH)	Smith (WA)
McHugh	Putnam	Snider
McInnis	Quinn	Souder
McIntyre	Radanovich	Stenholm
McKeon	Ramstad	Sullivan
Meeks (NY)	Regula	Sweeney
Menendez	Rehberg	Tancred
Mica	Renzi	Tauscher
Miller (FL)	Reyes	Tauzin
Miller (MI)	Reynolds	Taylor (NC)
Miller, Gary	Rodriguez	Terry
Moran (KS)	Rogers (AL)	Thomas
Murphy	Rogers (KY)	Thornberry
Musgrave	Rogers (MI)	Tiahrt
Myrick	Rohrabacher	Tiberi
Nethercutt	Ros-Lehtinen	Toomey
Neugebauer	Royce	Turner (OH)
Ney	Ruppersberger	Turner (TX)
Northup	Ryan (WI)	Upton
Norwood	Ryun (KS)	Vitter
Nunes	Saxton	Walden (OR)
Nussle	Schiff	Walsh
Ortiz	Schrock	Weiner
Osborne	Scott (GA)	Weldon (FL)
Ose	Sensenbrenner	Weldon (PA)
Oxley	Sessions	Weller
Pearce	Shadegg	Whitfield
Pelosi	Shaw	Wicker
Peterson (MN)	Shays	Wilson (NM)
Peterson (PA)	Sherwood	Wilson (SC)
Petri	Shimkus	Wolf
Pickering	Shuster	Wu
Pitts	Simmons	Young (AK)
Platts	Skelton	Young (FL)
Pomeroy	Smith (MI)	
Porter	Smith (NJ)	

NAYS—163

Abercrombie	Honda	Olver
Ackerman	Hooley (OR)	Otter
Allen	Inslee	Owens
Baca	Jackson (IL)	Pallone
Baird	Jackson-Lee	Pascrell
Baldwin	(TX)	Pastor
Ballance	Jefferson	Paul
Bartlett (MD)	Johnson (IL)	Payne
Becerra	Johnson, E. B.	Pence
Bell	Jones (NC)	Pombo
Berkley	Jones (OH)	Price (NC)
Berman	Kanjorski	Rahall
Berry	Kaptur	Rangel
Bishop (NY)	Kennedy (RI)	Ross
Blumenauer	Kildee	Rothman
Boucher	Kilpatrick	Roybal-Allard
Brady (PA)	Kind	Rush
Brown (OH)	Klecza	Ryan (OH)
Brown, Corrine	Kucinich	Sabo
Capps	Lampson	Sanchez, Linda
Capuano	Langevin	T.
Carson (IN)	Larsen (WA)	Sanchez, Loretta
Case	Larson (CT)	Sanders
Clyburn	Leach	Sandlin
Conyers	Lee	Schakowsky
Cooper	Levin	Scott (VA)
Costello	Lewis (GA)	Serrano
Cummings	Lofgren	Simpson
Davis (IL)	Lucas (OK)	Slaughter
DeFazio	Lynch	Solis
DeGette	Majette	Spratt
Delahunt	Maloney	Stark
DeLauro	Manzullo	Stearns
Deutsch	Markay	Strickland
Dingell	Matsui	Stupak
Doggett	McCarthy (MO)	Tanner
Doyle	McCollum	Taylor (MS)
Duncan	McDermott	Thompson (CA)
Emanuel	McGovern	Thompson (MS)
Engel	McNulty	Tierney
Etheridge	Meehan	Towns
Farr	Meek (FL)	Udall (CO)
Fattah	Michaud	Udall (NM)
Filner	Millender-	Van Hollen
Flake	McDonald	Velazquez
Ford	Miller (NC)	Visclosky
Frank (MA)	Miller, George	Wamp
Gonzalez	Mollohan	Waters
Gordon	Moore	Watson
Green (TX)	Moran (VA)	Watt
Grijalva	Murtha	Waxman
Gutierrez	Nadler	Wexler
Hill	Napolitano	Woolsey
Hinchey	Neal (MA)	Wynn
Hoefel	Oberstar	
Holden	Obey	

NOT VOTING—7

Buyer	DeMint	Sherman
Cubin	Fletcher	
Davis (FL)	Gephardt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1415

Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Ms. MCCARTHY of Missouri, Ms. BERKLEY, Messrs. KENNEDY of Rhode Island, BAIRD, ACKERMAN, JEFFERSON, OBEY, HOFFEL, Mrs. CAPPS, Messrs. VAN HOLLEN, WYNN, PENCE, THOMPSON of Mississippi, PALLONE, LANGEVIN, Ms. HOOLEY of Oregon, Mr. TANNER, Ms. LORETTA SANCHEZ of California, Messrs. BISHOP of New York, JONES of North Carolina, MANZULLO, LAMPSON, DINGELL, LEACH, HOLDEN, ROTHMAN, Ms. LINDA T. SANCHEZ of California, Messrs. KIND, BALLANCE, MCNULTY, JOHNSON of Illinois, MATSUI, GREEN of Texas, TAYLOR of Mississippi, HILL, GONZALEZ, COOPER, SANDLIN, CASE of Hawaii, ROSS, PRICE of North Carolina, MILLER of North Carolina, ETHERIDGE, Ms. ROYBAL-ALLARD, Mr. SPRATT, Mr. MOORE and Mr. BACA changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentlewoman from Oregon (Ms. HOOLEY) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 201, nays 222, not voting 11, as follows:

[Roll No. 650]

YEAS—201

Abercrombie	Blumenauer	Conyers
Ackerman	Boehlert	Cooper
Alexander	Boswell	Costello
Allen	Boucher	Cramer
Andrews	Boyd	Crowley
Baca	Brady (PA)	Cummings
Baird	Brown (OH)	Davis (AL)
Baldwin	Capps	Davis (CA)
Ballance	Capuano	Davis (TN)
Becerra	Cardin	DeFazio
Bell	Cardoza	DeGette
Berkley	Carson (IN)	Delahunt
Berman	Carson (OK)	DeLauro
Berry	Case	Deutsch
Bishop (GA)	Clay	Dicks
Bishop (NY)	Clyburn	Dingell

Doggett	Larson (CT)	Rahall	Moran (KS)	Radanovich	Stearns	Beauprez	Gillmor	McGovern
Dooley (CA)	Leach	Rangel	Murphy	Ramstad	Sullivan	Becerra	Gingrey	McHugh
Doyle	Lee	Reyes	Musgrave	Regula	Sweeney	Bell	Gonzalez	McInnis
Edwards	Levin	Rodriguez	Myrick	Rehberg	Tancredo	Bereuter	Goode	McIntyre
Emanuel	Lewis (GA)	Ross	Nethercutt	Renzi	Tauzin	Berkley	Goodlatte	McKeon
Engel	Lipinski	Rothman	Neugebauer	Reynolds	Taylor (NC)	Berman	Gordon	McNulty
Eshoo	Lofgren	Roybal-Allard	Ney	Rogers (AL)	Terry	Berry	Granger	Meehan
Etheridge	Lowe	Ruppersberger	Northup	Rogers (KY)	Thomas	Bilirakis	Graves	Meek (FL)
Evans	Lucas (KY)	Rush	Norwood	Rogers (MI)	Thornberry	Bishop (GA)	Green (TX)	Meeks (NY)
Farr	Lynch	Ryan (OH)	Nunes	Rohrabacher	Tiahrt	Bishop (NY)	Green (WI)	Menendez
Fattah	Majette	Sabo	Nussle	Ros-Lehtinen	Tiberi	Bishop (UT)	Greenwood	Mica
Filner	Maloney	Sanchez, Linda	Osborne	Royce	Toomey	Blumenauer	Grijalva	Michaud
Ford	Markey	T.	Ose	Ryan (WI)	Turner (OH)	Blunt	Gutierrez	Millender-
Frank (MA)	Marshall	Sanchez, Loretta	Otter	Ryun (KS)	Upton	Boehlert	Gutknecht	McDonald
Frost	Matheson	Sanders	Oxley	Saxton	Vitter	Boehner	Hall	Miller (FL)
Gonzalez	Matsui	Sandlin	Paul	Schrock	Walden (OR)	Bonilla	Harman	Miller (MI)
Gordon	McCarthy (MO)	Schakowsky	Pearce	Sensenbrenner	Walsh	Bono	Harris	Miller (NC)
Green (TX)	McCarthy (NY)	Schiff	Pence	Sessions	Wamp	Boozman	Hastings (FL)	Miller, George
Grijalva	McCollum	Scott (GA)	Peterson (MN)	Shadegg	Weldon (FL)	Boswell	Hastings (WA)	Mollohan
Gutierrez	McDermott	Scott (VA)	Peterson (PA)	Shaw	Weldon (PA)	Boucher	Hayes	Moore
Harman	McGovern	Serrano	Petri	Shays	Weller	Boyd	Hayworth	Moran (KS)
Hastings (FL)	McHugh	Skelton	Pickering	Sherwood	Whitfield	Bradley (NH)	Hill	Moran (VA)
Hill	McIntyre	Smith (WA)	Pitts	Shimkus	Wicker	Brady (PA)	Hinchey	Murphy
Hinchey	McNulty	Snyder	Platts	Shuster	Wilson (NM)	Brady (TX)	Hinojosa	Murtha
Hinojosa	Meehan	Solis	Pombo	Simmons	Wilson (SC)	Brown (OH)	Hobson	Myrick
Hoefel	Meek (FL)	Spratt	Porter	Simpson	Wolf	Brown (SC)	Hoefel	Nadler
Holden	Meeks (NY)	Stark	Portman	Smith (MI)	Young (AK)	Brown, Corrine	Holden	Napolitano
Holt	Menendez	Stenholm	Pryce (OH)	Smith (NJ)	Young (FL)	Brown-Waite,	Holt	Neal (MA)
Honda	Michaud	Strickland	Putnam	Smith (TX)		Ginny	Honda	Nethercutt
Hooley (OR)	Millender-	Stupak	Quinn	Souder		Burns	Hooley (OR)	Neugebauer
Hoyer	McDonald	Tanner				Burr	Houghton	Ney
Inslee	Miller (NC)	Tauscher				Burton (IN)	Hoyer	Northup
Israel	Miller, George	Taylor (MS)	Baker	Davis (IL)	Herger	Calvert	Hulshof	Norwood
Jackson (IL)	Mollohan	Thompson (CA)	Buyer	DeMint	Sherman	Camp	Inslie	Nussle
Jackson-Lee	Moore	Thompson (MS)	Cubin	Fletcher	Slaughter	Capito	Isakson	Oberstar
(TX)	Moran (VA)	Tierney	Davis (FL)	Gephardt		Capps	Israel	Obey
Jefferson	Murtha	Towns				Capuano	Issa	Olver
John	Nadler	Turner (TX)				Cardin	Istook	Ortiz
Johnson, E. B.	Napolitano	Udall (CO)				Cardoza	Jackson (IL)	Osborne
Jones (OH)	Neal (MA)	Udall (NM)				Carson (IN)	Jackson-Lee	Ose
Kanjorski	Oberstar	Van Hollen				Carter	(TX)	Otter
Kaptur	Obey	Velazquez				Case	Janklow	Owens
Kennedy (RI)	Oliver	Visclosky				Castle	Jefferson	Pallone
Kildee	Ortiz	Waters				Chabot	Jenkins	Pascarell
Kilpatrick	Owens	Watson				Chocola	John	Pastor
Kind	Pallone	Watt				Clay	Johnson (CT)	Payne
Klecza	Pascarell	Waxman				Clyburn	Johnson (IL)	Pearce
Kucinich	Pastor	Weiner				Cole	Johnson, E. B.	Pelosi
Lampson	Payne	Wexler				Conyers	Jones (OH)	Peterson (MN)
Langevin	Pelosi	Woolsey				Cooper	Kanjorski	Peterson (PA)
Lantos	Pomeroy	Wu				Costello	Kaptur	Petri
Larsen (WA)	Price (NC)	Wynn				Cox	Keller	Pickering
						Cramer	Kelly	Platts
						Crenshaw	Kennedy (MN)	Pombo
						Crowley	Kennedy (RI)	Porter
						Cummings	Kildee	Portman
						Cunningham	Kilpatrick	Price (NC)
						Davis (AL)	Kind	Pryce (OH)
						Davis (CA)	King (NY)	Putnam
						Davis (TN)	Kirk	Quinn
						Davis, Jo Ann	Klecza	Rahall
						Davis, Tom	Kline	Ramstad
						Deal (GA)	Knollenberg	Rangel
						DeFazio	Kolbe	Regula
						DeGette	Kucinich	Rehberg
						Delahunt	LaHood	Renzi
						DeLauro	Lampson	Reyes
						Deutsch	Langevin	Reynolds
						Diaz-Balart, L.	Lantos	Rodriguez
						Dicks	Larsen (WA)	Rogers (AL)
						Dingell	Larson (CT)	Rogers (KY)
						Doggett	Latham	Rogers (MI)
						Dooley (CA)	LaTourette	Ros-Lehtinen
						Doyle	Leach	Ross
						Dunn	Lee	Rothman
						Edwards	Levin	Roybal-Allard
						Ehlers	Lewis (CA)	Royce
						Emanuel	Lewis (GA)	Ruppersberger
						Emerson	Lewis (KY)	Rush
						Engel	Lipinski	Ryan (OH)
						English	LoBiondo	Ryan (WI)
						Eshoo	Lofgren	Ryun (KS)
						Etheridge	Lowe	Sabo
						Evans	Lucas (KY)	Sanchez, Linda
						Farr	Lucas (OK)	T.
						Fattah	Lynch	Sanchez, Loretta
						Ferguson	Majette	Sanders
						Filner	Maloney	Sandlin
						Foley	Manzullo	Saxton
						Forbes	Markey	Schakowsky
						Ford	Marshall	Schiff
						Fossella	Matheson	Schrock
						Frank (MA)	Matsui	Scott (GA)
						Frelinghuysen	McCarthy (MO)	Scott (VA)
						Frost	McCarthy (NY)	Serrano
						Gallely	McCollum	Shaw
						Gerlach	McCotter	Shays
						Gibbons	McCrery	Sherwood
						Gilchrist	McDermott	Shuster

NOT VOTING—11

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1423

Mr. ROYCE changed his vote from “yea” to “nay.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 650. Had I been present, I would have voted “yea” on rollcall vote 650.

MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 2660.

The Clerk will designate the motion. The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. KILDEE).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 360, nays 64, not voting 10, as follows:

[Roll No. 651]

YEAS—360

Abercrombie	Allen	Baldwin
Ackerman	Andrews	Ballance
Aderholt	Baca	Ballenger
Akin	Bachus	Barrett (SC)
Alexander	Baird	Bass

Burgess	McGovern	McHugh
Burns	McInnis	McIntyre
Burr	McKeon	McNulty
Burton (IN)	Meehan	Meek (FL)
Calvert	Meeks (NY)	Menendez
Camp	Mica	Michaud
Cannon	Millender-	McDonald
Cantor	Miller (FL)	Miller (MI)
Capito	Miller (NC)	Miller, George
Carter	Miller (VA)	Mollohan
Castle	Murphy	Moore
Chabot	Murtha	Moran (KS)
Chocola	Myrick	Moran (VA)
Coble	Nadler	
Cole	Napolitano	
Collins	Neal (MA)	
Cox	Nethercutt	
Crane	Neugebauer	
Crenshaw	Ney	
	Northup	
	Norwood	
	Nussle	
	Oberstar	
	Obey	
	Olver	
	Ortiz	
	Osborne	
	Otte	
	Owens	
	Pallone	
	Pascarell	
	Pastor	
	Payne	
	Pearce	
	Pelosi	
	Peterson (MN)	
	Peterson (PA)	
	Petri	
	Pickering	
	Platts	
	Pombo	
	Porter	
	Portman	
	Price (NC)	
	Pryce (OH)	
	Putnam	
	Quinn	
	Rahall	
	Ramstad	
	Rangel	
	Regula	
	Rehberg	
	Renzi	
	Reyes	
	Reynolds	
	Rodriguez	
	Rogers (AL)	
	Rogers (KY)	
	Rogers (MI)	
	Ros-Lehtinen	
	Ross	
	Rothman	
	Roybal-Allard	
	Royce	
	Ruppersberger	
	Rush	
	Ryan (OH)	
	Ryan (WI)	
	Ryun (KS)	
	Sabo	
	Sanchez, Linda	
	T.	
	Sanchez, Loretta	
	Sanders	
	Sandlin	
	Saxton	
	Schakowsky	
	Schiff	
	Schrock	
	Scott (GA)	
	Scott (VA)	
	Serrano	
	Shaw	
	Shays	
	Sherwood	
	Shuster	

Simmons	Tauzin	Wamp
Simpson	Taylor (MS)	Waters
Skelton	Terry	Watson
Slaughter	Thompson (CA)	Watt
Smith (NJ)	Thompson (MS)	Waxman
Smith (TX)	Tierney	Weiner
Smith (WA)	Towns	Weldon (PA)
Snyder	Turner (OH)	Weller
Solis	Turner (TX)	Wexler
Spratt	Udall (CO)	Whitfield
Stark	Udall (NM)	Wicker
Stenholm	Upton	Wilson (NM)
Strickland	Van Hollen	Wolf
Stupak	Velazquez	Woolsey
Sullivan	Visclosky	Wu
Sweeney	Vitter	Wynn
Tanner	Walden (OR)	
Tauscher	Walsh	

NAYS—64

Baker	Garrett (NJ)	Radanovich
Bartlett (MD)	Goss	Rohrabacher
Barton (TX)	Hart	Sensenbrenner
Biggert	Hefley	Sessions
Blackburn	Hensarling	Shadegg
Bonner	Herger	Shimkus
Burgess	Hoekstra	Smith (MI)
Cannon	Hostettler	Souder
Cantor	Hunter	Stearns
Coble	Hyde	Tancredo
Collins	Johnson, Sam	Taylor (NC)
Crane	Jones (NC)	Thomas
Culberson	King (IA)	Thornberry
DeLay	Kingston	Tiahrt
Diaz-Balart, M.	Linder	Tiberi
Doolittle	Miller, Gary	Toomey
Dreier	Musgrave	Weldon (FL)
Duncan	Nunes	Wilson (SC)
Everett	Oxley	Young (AK)
Feeney	Paul	Young (FL)
Flake	Pence	
Franks (AZ)	Pitts	

NOT VOTING—10

Buyer	Davis (IL)	Pomeroy
Carson (OK)	DeMint	Sherman
Cubin	Fletcher	
Davis (FL)	Gephardt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1430

Mr. TERRY changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

21ST CENTURY NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 189) to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

The Clerk read as follows:

S. 189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Nanotechnology Research and Development Act".

SEC. 2. NATIONAL NANOTECHNOLOGY PROGRAM.

(a) NATIONAL NANOTECHNOLOGY PROGRAM.—The President shall implement a National Nanotechnology Program. Through appropriate agencies, councils, and the National Nanotechnology Coordination Office established in section 3, the Program shall—

(1) establish the goals, priorities, and metrics for evaluation for Federal nanotechnology research, development, and other activities;

(2) invest in Federal research and development programs in nanotechnology and related sciences to achieve those goals; and

(3) provide for interagency coordination of Federal nanotechnology research, development, and other activities undertaken pursuant to the Program.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall include—

(1) developing a fundamental understanding of matter that enables control and manipulation at the nanoscale;

(2) providing grants to individual investigators and interdisciplinary teams of investigators;

(3) establishing a network of advanced technology user facilities and centers;

(4) establishing, on a merit-reviewed and competitive basis, interdisciplinary nanotechnology research centers, which shall—

(A) interact and collaborate to foster the exchange of technical information and best practices;

(B) involve academic institutions or national laboratories and other partners, which may include States and industry;

(C) make use of existing expertise in nanotechnology in their regions and nationally;

(D) make use of ongoing research and development at the micrometer scale to support their work in nanotechnology; and

(E) to the greatest extent possible, be established in geographically diverse locations, encourage the participation of Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))), and include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (EPSCoR);

(5) ensuring United States global leadership in the development and application of nanotechnology;

(6) advancing the United States productivity and industrial competitiveness through stable, consistent, and coordinated investments in long-term scientific and engineering research in nanotechnology;

(7) accelerating the deployment and application of nanotechnology research and development in the private sector, including startup companies;

(8) encouraging interdisciplinary research, and ensuring that processes for solicitation and evaluation of proposals under the Program encourage interdisciplinary projects and collaborations;

(9) providing effective education and training for researchers and professionals skilled in the interdisciplinary perspectives necessary for nanotechnology so that a true interdisciplinary research culture for nanoscale science, engineering, and technology can emerge;

(10) ensuring that ethical, legal, environmental, and other appropriate societal concerns, including the potential use of nanotechnology in enhancing human intelligence and in developing artificial intelligence which exceeds human capacity, are considered during the development of nanotechnology by—

(A) establishing a research program to identify ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated;

(B) requiring that interdisciplinary nanotechnology research centers established under paragraph (4) include activities that address societal, ethical, and environmental concerns;

(C) insofar as possible, integrating research on societal, ethical, and environmental concerns with nanotechnology research and development, and ensuring that advances in nanotechnology bring about improvements in quality of life for all Americans; and

(D) providing, through the National Nanotechnology Coordination Office established in section 3, for public input and outreach to be integrated into the Program by the convening of regular and ongoing public discussions, through mechanisms such as citizens' panels, consensus conferences, and educational events, as appropriate; and

(11) encouraging research on nanotechnology advances that utilize existing processes and technologies.

(c) PROGRAM MANAGEMENT.—The National Science and Technology Council shall oversee the planning, management, and coordination of the Program. The Council, itself or through an appropriate subgroup it designates or establishes, shall—

(1) establish goals and priorities for the Program, based on national needs for a set of broad applications of nanotechnology;

(2) establish program component areas, with specific priorities and technical goals, that reflect the goals and priorities established for the Program;

(3) oversee interagency coordination of the Program, including with the activities of the Defense Nanotechnology Research and Development Program established under section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) and the National Institutes of Health;

(4) develop, within 12 months after the date of enactment of this Act, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b), meet the goals, priorities, and anticipated outcomes of the participating agencies, and describe—

(A) how the Program will move results out of the laboratory and into application for the benefit of society;

(B) the Program's support for long-term funding for interdisciplinary research and development in nanotechnology; and

(C) the allocation of funding for interagency nanotechnology projects;

(5) propose a coordinated interagency budget for the Program to the Office of Management and Budget to ensure the maintenance of a balanced nanotechnology research portfolio and an appropriate level of research effort;

(6) exchange information with academic, industry, State and local government (including State and regional nanotechnology programs), and other appropriate groups conducting research on and using nanotechnology;

(7) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program,

in support of the activity stated in subsection (b)(7);

(8) identify research areas that are not being adequately addressed by the agencies' current research programs and address such research areas;

(9) encourage progress on Program activities through the utilization of existing manufacturing facilities and industrial infrastructures such as, but not limited to, the employment of underutilized manufacturing facilities in areas of high unemployment as production engineering and research testbeds; and

(10) in carrying out its responsibilities under paragraphs (1) through (9), take into consideration the recommendations of the Advisory Panel, suggestions or recommendations developed pursuant to subsection (b)(10)(D), and the views of academic, State, industry, and other appropriate groups conducting research on and using nanotechnology.

(d) **ANNUAL REPORT.**—The Council shall prepare an annual report, to be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, and other appropriate committees, at the time of the President's budget request to Congress, that includes—

(1) the Program budget, for the current fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);

(2) the proposed Program budget for the next fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);

(3) an analysis of the progress made toward achieving the goals and priorities established for the Program;

(4) an analysis of the extent to which the Program has incorporated the recommendations of the Advisory Panel; and

(5) an assessment of how Federal agencies are implementing the plan described in subsection (c)(7), and a description of the amount of Small Business Innovative Research and Small Business Technology Transfer Research funds supporting the plan.

SEC. 3. PROGRAM COORDINATION.

(a) **IN GENERAL.**—The President shall establish a National Nanotechnology Coordination Office, with a Director and full-time staff, which shall—

(1) provide technical and administrative support to the Council and the Advisory Panel;

(2) serve as the point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, State nanotechnology programs, interested citizen groups, and others to exchange technical and programmatic information;

(3) conduct public outreach, including dissemination of findings and recommendations of the Advisory Panel, as appropriate; and

(4) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government, and to United States industry, including startup companies.

(b) **FUNDING.**—The National Nanotechnology Coordination Office shall be funded through interagency funding in accordance with section 631 of Public Law 108-7.

(c) **REPORT.**—Within 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science on the funding of the National Nanotechnology Coordination Office. The report shall include—

(1) the amount of funding required to adequately fund the Office;

(2) the adequacy of existing mechanisms to fund this Office; and

(3) the actions taken by the Director to ensure stable funding of this Office.

SEC. 4. ADVISORY PANEL.

(a) **IN GENERAL.**—The President shall establish or designate a National Nanotechnology Advisory Panel.

(b) **QUALIFICATIONS.**—The Advisory Panel established or designated by the President under subsection (a) shall consist primarily of members from academic institutions and industry. Members of the Advisory Panel shall be qualified to provide advice and information on nanotechnology research, development, demonstrations, education, technology transfer, commercial application, or societal and ethical concerns. In selecting or designating an Advisory Panel, the President may also seek and give consideration to recommendations from the Congress, industry, the scientific community (including the National Academy of Sciences, scientific professional societies, and academia), the defense community, State and local governments, regional nanotechnology programs, and other appropriate organizations.

(c) **DUTIES.**—The Advisory Panel shall advise the President and the Council on matters relating to the Program, including assessing—

(1) trends and developments in nanotechnology science and engineering;

(2) progress made in implementing the Program;

(3) the need to revise the Program;

(4) the balance among the components of the Program, including funding levels for the program component areas;

(5) whether the program component areas, priorities, and technical goals developed by the Council are helping to maintain United States leadership in nanotechnology;

(6) the management, coordination, implementation, and activities of the Program; and

(7) whether societal, ethical, legal, environmental, and workforce concerns are adequately addressed by the Program.

(d) **REPORTS.**—The Advisory Panel shall report, not less frequently than once every 2 fiscal years, to the President on its assessments under subsection (c) and its recommendations for ways to improve the Program. The first report under this subsection shall be submitted within 1 year after the date of enactment of this Act. The Director of the Office of Science and Technology Policy shall transmit a copy of each report under this subsection to the Senate Committee on Commerce, Science, and Technology, the House of Representatives Committee on Science, and other appropriate committees of the Congress.

(e) **TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.**—Non-Federal members of the Advisory Panel, while attending meetings of the Advisory Panel or while otherwise serving at the request of the head of the Advisory Panel away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the government serving without pay. Nothing in this subsection shall be construed to prohibit

members of the Advisory Panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

(f) **EXEMPTION FROM SUNSET.**—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Panel.

SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.

(a) **IN GENERAL.**—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial evaluation of the Program, including—

(1) an evaluation of the technical accomplishments of the Program, including a review of whether the Program has achieved the goals under the metrics established by the Council;

(2) a review of the Program's management and coordination across agencies and disciplines;

(3) a review of the funding levels at each agency for the Program's activities and the ability of each agency to achieve the Program's stated goals with that funding;

(4) an evaluation of the Program's success in transferring technology to the private sector;

(5) an evaluation of whether the Program has been successful in fostering interdisciplinary research and development;

(6) an evaluation of the extent to which the Program has adequately considered ethical, legal, environmental, and other appropriate societal concerns;

(7) recommendations for new or revised Program goals;

(8) recommendations for new research areas, partnerships, coordination and management mechanisms, or programs to be established to achieve the Program's stated goals;

(9) recommendations on policy, program, and budget changes with respect to nanotechnology research and development activities;

(10) recommendations for improved metrics to evaluate the success of the Program in accomplishing its stated goals;

(11) a review of the performance of the National Nanotechnology Coordination Office and its efforts to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

(12) an analysis of the relative position of the United States compared to other nations with respect to nanotechnology research and development, including the identification of any critical research areas where the United States should be the world leader to best achieve the goals of the Program; and

(13) an analysis of the current impact of nanotechnology on the United States economy and recommendations for increasing its future impact.

(b) **STUDY ON MOLECULAR SELF-ASSEMBLY.**—As part of the first triennial review conducted in accordance with subsection (a), the National Research Council shall conduct a one-time study to determine the technical feasibility of molecular self-assembly for the manufacture of materials and devices at the molecular scale.

(c) **STUDY ON THE RESPONSIBLE DEVELOPMENT OF NANOTECHNOLOGY.**—As part of the first triennial review conducted in accordance with subsection (a), the National Research Council shall conduct a one-time study to assess the need for standards, guidelines, or strategies for ensuring the responsible development of nanotechnology, including, but not limited to—

(1) self-replicating nanoscale machines or devices;

(2) the release of such machines in natural environments;

(3) encryption;

(4) the development of defensive technologies;

(5) the use of nanotechnology in the enhancement of human intelligence; and

(6) the use of nanotechnology in developing artificial intelligence.

(d) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The Director of the National Nanotechnology Coordination Office shall transmit the results of any evaluation for which it made arrangements under subsection (a) to the Advisory Panel, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science upon receipt. The first such evaluation shall be transmitted no later than June 10, 2005, with subsequent evaluations transmitted to the Committees every 3 years thereafter.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out the Director's responsibilities under this Act—

(1) \$385,000,000 for fiscal year 2005;

(2) \$424,000,000 for fiscal year 2006;

(3) \$449,000,000 for fiscal year 2007; and

(4) \$476,000,000 for fiscal year 2008.

(b) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy to carry out the Secretary's responsibilities under this Act—

(1) \$317,000,000 for fiscal year 2005;

(2) \$347,000,000 for fiscal year 2006;

(3) \$380,000,000 for fiscal year 2007; and

(4) \$415,000,000 for fiscal year 2008.

(c) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration to carry out the Administrator's responsibilities under this Act—

(1) \$34,100,000 for fiscal year 2005;

(2) \$37,500,000 for fiscal year 2006;

(3) \$40,000,000 for fiscal year 2007; and

(4) \$42,300,000 for fiscal year 2008.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out the Director's responsibilities under this Act—

(1) \$68,200,000 for fiscal year 2005;

(2) \$75,000,000 for fiscal year 2006;

(3) \$80,000,000 for fiscal year 2007; and

(4) \$84,000,000 for fiscal year 2008.

(e) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out the Administrator's responsibilities under this Act—

(1) \$5,500,000 for fiscal year 2005;

(2) \$6,050,000 for fiscal year 2006;

(3) \$6,413,000 for fiscal year 2007; and

(4) \$6,800,000 for fiscal year 2008.

SEC. 7. DEPARTMENT OF COMMERCE PROGRAMS.

(a) NIST PROGRAMS.—The Director of the National Institute of Standards and Technology shall—

(1) as part of the Program activities under section 2(b)(7), establish a program to conduct basic research on issues related to the development and manufacture of nanotechnology, including metrology; reliability and quality assurance; processes control; and manufacturing best practices; and

(2) utilize the Manufacturing Extension Partnership program to the extent possible to ensure that the research conducted under paragraph (1) reaches small- and medium-sized manufacturing companies.

(b) CLEARINGHOUSE.—The Secretary of Commerce or his designee, in consultation with the National Nanotechnology Coordination Office and, to the extent possible, utilizing resources at the National Technical Information Service, shall establish a clearinghouse of information related to commercialization of nanotechnology research, including information relating to activities by regional, State, and local commercial nanotechnology initiatives; transition of research, technologies, and concepts from Federal nanotechnology research and development programs into commercial and military products; best practices by government, universities and private sector laboratories transitioning technology to commercial use; examples of ways to overcome barriers and challenges to technology deployment; and use of manufacturing infrastructure and workforce.

SEC. 8. DEPARTMENT OF ENERGY PROGRAMS.

(a) RESEARCH CONSORTIA.—

(1) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall establish a program to support, on a merit-reviewed and competitive basis, consortia to conduct interdisciplinary nanotechnology research and development designed to integrate newly developed nanotechnology and microfluidic tools with systems biology and molecular imaging.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the sums authorized for the Department of Energy under section 6(b), \$25,000,000 shall be used for each fiscal year 2005 through 2008 to carry out this section. Of these amounts, not less than \$10,000,000 shall be provided to at least 1 consortium for each fiscal year.

(b) RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—The Secretary of Energy shall carry out projects to develop, plan, construct, acquire, operate, or support special equipment, instrumentation, or facilities for investigators conducting research and development in nanotechnology.

SEC. 9. ADDITIONAL CENTERS.

(a) AMERICAN NANOTECHNOLOGY PREPAREDNESS CENTER.—The Program shall provide for the establishment, on a merit-reviewed and competitive basis, of an American Nanotechnology Preparedness Center which shall—

(1) conduct, coordinate, collect, and disseminate studies on the societal, ethical, environmental, educational, legal, and workforce implications of nanotechnology; and

(2) identify anticipated issues related to the responsible research, development, and application of nanotechnology, as well as provide recommendations for preventing or addressing such issues.

(b) CENTER FOR NANOMATERIALS MANUFACTURING.—The Program shall provide for the establishment, on a merit reviewed and competitive basis, of a center to—

(1) encourage, conduct, coordinate, commission, collect, and disseminate research on new manufacturing technologies for materials, devices, and systems with new combinations of characteristics, such as, but not limited to, strength, toughness, density, conductivity, flame resistance, and membrane separation characteristics; and

(2) develop mechanisms to transfer such manufacturing technologies to United States industries.

(c) REPORTS.—The Council, through the Director of the National Nanotechnology Coordination Office, shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science—

(1) within 6 months after the date of enactment of this Act, a report identifying which agency shall be the lead agency and which other agencies, if any, will be responsible for

establishing the Centers described in this section; and

(2) within 18 months after the date of enactment of this Act, a report describing how the Centers described in this section have been established.

SEC. 10. DEFINITIONS.

In this Act:

(1) ADVISORY PANEL.—The term "Advisory Panel" means the President's National Nanotechnology Advisory Panel established or designated under section 4.

(2) NANOTECHNOLOGY.—The term "nanotechnology" means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the atomic, molecular, and supramolecular levels, aimed at creating materials, devices, and systems with fundamentally new molecular organization, properties, and functions.

(3) PROGRAM.—The term "Program" means the National Nanotechnology Program established under section 2.

(4) COUNCIL.—The term "Council" means the National Science and Technology Council or an appropriate subgroup designated by the Council under section 2(c).

(5) ADVANCED TECHNOLOGY USER FACILITY.—The term "advanced technology user facility" means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis.

(6) PROGRAM COMPONENT AREA.—The term "program component area" means a major subject area established under section 2(c)(2) under which is grouped related individual projects and activities carried out under the Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 189.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S.189, the Nanotechnology and Research Development Act. This bill began its life in the House as H.R. 766, which I introduced with my colleague, the gentleman from California (Mr. HONDA) and which the House passed back in May by the overwhelming margin of 405 to 19.

The text before us today reflects 2 months of negotiations with the Senate to come up with a final version of the bill. The Senate amended S. 189 with the text of that agreement, and it is that compromise we will be sending on to the President today.

This bill is endorsed by a wide variety of high technology and academic organizations including the National Association of Manufacturers, the Semiconductor Industry Association,

Intel, IBM, Hewlett-Packard, and the Association of American Universities.

The idea behind this bill is simple yet powerful. The American economy will grow bigger if America's scientists and engineers focus on things that are smaller. The U.S. is the leader in nanotechnology and New York under Governor Pataki is in the front ranks of that world leadership. We must remain in the front as this new field starts remaking the marketplace.

This bill has four salient aspects designed to help ensure continued U.S. leadership: It authorizes the President's National Nanotechnology Initiative; it emphasizes the need for broad interagency participation and stronger interagency coordination, especially in the presentation of program budgets; it underscores the need for interdisciplinary research and for shepherding research from the laboratory to the marketplace; and it ensures that research and public discussion on the societal and ethical consequences of nanotechnology will go on concurrent with, and as part of technology research and development.

The nanotechnology program will be a model of government, industry, university, cooperation, coordination and interdisciplinary research with public involvement.

I wanted to thank the many Members who helped contribute to this bill but particularly to my cosponsor, the gentleman from California (Mr. HONDA) and my partner, the ranking member, the gentleman from Texas (Mr. HALL), as well as the chairman of our Subcommittee on Research, the gentleman from Michigan (Mr. SMITH) and his ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Last but not least, I want to thank my staff who labored so long and hard on this bill and on the many hearings on the subject. Peter Rooney, Dan Byers and Elizabeth Grossman deserve special recognition, but the entire staff of the committee minority and majority has been actively engaged.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, of course, rise in support of the Nanotechnology Research and Development Act, Senate 189, which as the chairman has so ably set forth, authorizes the National Nanotechnology Initiative as part of the President's budget request. This interagency research program is going to have enormous consequences for the future of our entire Nation.

S. 189 is a compromise measure worked out with the other body. It is largely based on H.R. 766 which passed the House in May by a vote of 405 to 19. The bipartisan House bill was introduced by Committee on Science chairman, the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. HONDA) and cosponsored by Members from both sides of the aisle.

I want to acknowledge the leadership of the chairman, the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. HONDA) in crafting the original version of the legislation. I want to thank the gentleman from New York (Mr. BOEHLERT) for working cooperatively day in and day with Democratic Members in developing the bill and arriving at the final bicameral compromise.

I also want to thank my colleague, the gentleman from California (Mr. HONDA) for his hard work on the bill. His efforts have led to a strengthening of the outside advisory mechanism for this research and also led to a process to help facilitate the transfer of research innovations to commercial applications.

The potential reach and impact of nanotechnology argues for careful attention to how it might affect society, and in particular, attention to potential downsides of the technology.

I believe it is important for the successful development of nanotechnology that problems be addressed from the beginning in a straightforward and open way.

Consequently, I am pleased that the bill imposes requirements to provide understanding of potential problems arising from the nanotechnology applications. I particularly want to compliment my colleague, the gentleman from California (Mr. SHERMAN) and my colleague, the gentleman from Texas (Mr. BELL) for championing provisions to address this issue, including annual reporting requirements to allow Congress to track the agencies' activities that are related to societal and ethical concerns.

This annual report will include a description of the nature of the activities being supported and how the activities relate to the overall objectives of the research initiative. An important goal of the bill is to integrate research on societal and ethical concerns with research and development efforts to advance nanotechnology.

The bill also addresses the need to open lines of communication between the research community and the public to make clear that potential safety risks of nanotechnology are being explored and not ignored.

I want to especially acknowledge the efforts of my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) who introduced provisions that will provide for input from and outreach to the public from such mechanisms as citizen panels and consensus conferences.

Senate 189 authorizes appropriations over 4 years for nanotechnology research and development at five agencies: The National Science Foundation, the Department of Energy, NASA, National Institute of Standards and Technology, and EPA. In addition to setting funding goals, the bill puts in place mechanisms for planning and coordinating and implementation of the interagency research program.

The bill also includes provisions for outside, expert advice to help guide the research program and ensure its relevance to emerging technological opportunities and to the industry. The advisory committee required by the bill is charged to review the goals, content, implementation and administration of the nanotechnology initiative.

Mr. Speaker, we now stand at the threshold of an age in which materials and devices can be fashioned atom by atom. The capability will have enormous consequences for the information industry, for manufacturing, and for medicine and health. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The measure before us will help ensure that the Nation maintains a vigorous research effort in a technology area that is emerging as increasingly important for the economy and also for national security. It enjoys widespread support from the research community and industry. I urge my colleagues to support its final passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the distinguished chair of the Subcommittee on Energy.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as an original cosponsor of H.R. 766, the Nanotechnology Research and Development Act that was approved by the House last May, I rise to express my strong support for this compromise legislation negotiated by the House Committee on Science.

I want to commend the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT) for working with the Senate to develop such a comprehensive and forward-looking piece of legislation as S. 189, the 21st Century Nanotechnology Research and Development Act.

Unlike so many other complex scientific concepts, nanotechnology is actually something that we should all be able to grasp. Most Americans learn in grade school and high school that atoms are the building blocks of nature. In the years since I have been in school, incredible machines have allowed to us see every one of those atoms.

The challenge now is to develop the tools, equipment and expertise to manipulate those atoms, and build new materials and new machines, one molecule at a time.

This bill takes up that challenge, ensuring coordination and collaboration among the many Federal agencies engaged in nanotech research. Unlike other research efforts, some of which are undertaken for the sake of science and our understanding of it, the broad and practical applications of nanotechnology, and its benefits, can be described in layman's terms.

Here are just a few benefits: Sensing the presence of unwanted pathogens in blood; improving the efficiency of electricity distribution; dispensing medications; cleaning polluted soil and water,

or building the next generation of space craft.

I do not think I am being overly optimistic. Just consider how far we have come since the creation of the first microchip. Sixty percent of Americans now own a personal computer or a laptop, and 90 percent of them use the Internet. The public, private, and non-profit sectors invested in research that reduced the size of the microchip while increasing its speeds exponentially.

This investment was made because the applications were many and the possibilities endless. After all, microchips are now found in cars, pacemakers, watches, sewing machines, and just about every household appliance.

With all its potential applications, nanotechnology could have an equal, if not greater, impact than the microchip on our lives, our wealth, our health and safety, our environment, and our security at home and abroad.

All levels of government, academia, and the industry recognize the potential of nanotechnology, as well as the benefits of collaborating to realize that potential. Nanotechnology could very well be the catalyst for national competitiveness for the next 50 years. In countless ways, our lives will be better as a result of coordinated investment in nanoscience R&D.

I urge my colleagues to join me in supporting this nanotechnology research and development legislation.

Mr. HALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member on Subcommittee on Research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the leadership of the committee and the subcommittee. I want to express my appreciation for the camaraderie of which we work together on the committee. I rise together in support of S. 189, the Nanotechnology Research and Development Act.

The emerging fields of nanoscale science, engineering and technology are leading to unprecedented understanding and control over the basic building blocks of properties of all natural and man-made things.

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Nanotechnology has the potential for enormous consequences, both technological and societal. This technology could result in new materials with prescribed properties not otherwise possible, information processing that far exceeds our current capabilities, and medical devices that could provide revolutionary advances in health care and dramatically increase our lifespan.

Nanotechnology has a great potential for America's leadership around the world. As America enters the 21st century, it is important that we lead the world in developing and commercializing new technologies and perhaps restore many of the jobs that we have lost.

I am very pleased that this bill includes an amendment that I introduced

when we voted on H.R. 766 back in May. This amendment, under program "activities on societal and ethical concerns," requires public input and outreach to the public to be integrated into the program through regular and ongoing public discussions, including citizens panels, consensus conferences, and educational events.

The views of the general public, who will bear the brunt of the consequences, both good and bad, should have input in the planning and execution of the research program. Taxpayers are paying for development of this technology. They have a right to have a voice in the research agenda.

I agree with that assessment that nanotechnology is one of the most promising and exciting fields of science today.

I am proud to be a cosponsor of this legislation and proud to say that I believe that the area which I represent will have some leading research in this area, with Nobel laureates. As I vote for its approval, I would urge my colleagues to do the same.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Research.

Mr. SMITH of Michigan. Mr. Speaker, first, let me compliment the gentleman from California (Mr. HONDA) and the chairman for introducing this legislation. Nanotechnology is the science of the very small, and I thought I might use a visual aid today. So if my colleagues would take a hair out of their heads and pretend that it is hollow, they could fit 100,000 strands of nano-technology inside that hollow hair. It is amazing technology.

Nanotechnology is exciting to me because it has so much potential for the future. Already today, computers and disk drives contain nanotechnology. Soon, most computers and telecommunications hardware will be based on it. In the not-too-distant future, nanotechnology will begin to transform biology, medicine, military systems, energy systems.

Nanotechnology is poised to become the next great vehicle of growth for the American economy; and like biotechnology was 10, 12, 15 years ago, nanotechnology has reached a critical growth stage. The 21st Century Research and Development Act intensifies Federal support for nanoresearch and experimentation and will prove, I think, critical to unlocking the tremendous potential that nanotechnology presents.

In conclusion, let me just say that nanotechnology holds incredible promise in a wide range of scientific disciplines; and while there are some nanotechnology products on the market today, the industry is very close to achieving several important breakthroughs that include revolutionary new applications in materials science, in manufacturing. So if we are going to stay competitive in the world market,

and that means having our standard of living above everybody else, then we are going to have to take advantage of this kind of technology that can improve the way we produce products, but also improve those products that we are selling and allow us to be competitive on a world market.

In conclusion, I would hope everybody would unanimously not only support this bill but the kind of funding that is necessary to make sure that the United States stays on top in nanoresearch.

I thank the chairman for yielding me the time.

Mr. HALL. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HONDA), who is an original Democratic cosponsor of the House bill.

(Mr. HONDA asked and was given permission to revise and extend his remarks.)

Mr. HONDA. Mr. Speaker, I rise in support of S. 189, the 21st Century Nanotechnology Research and Development Act. I thank the distinguished leaders of the Committee on Science, the gentleman from New York (Chairman BOEHLERT) and the gentleman from Texas (Ranking Member HALL) for working with me on the House version of this bipartisan bill, as well as Senators ALLEN and WYDEN for their leadership on the Senate version of this legislation.

I would also like to thank my personal staff and the committee staff for all their hard work in ironing out the differences with the other body that has allowed us to get to where we are today on this important legislation.

Nanotechnology, which is the ability of scientists and engineers to manipulate matter at the level of single atoms and molecules, can be revolutionary because it is an enabling technology and fundamentally changes the way many items are designed and manufactured. Most Members of this body had probably never heard of the word "nanotechnology" before we first considered legislation in May, but their support for the bill then and in the following months suggests that they have come to appreciate the impact this field will have.

The long-term, sometimes high-risk nature of the research that will be needed to bring nanotechnology to maturity requires the support of, and significant investment by, the Federal Government. This bill provides three things. It puts the National Technology Initiative into law and authorizes \$3.7 billion in spending over the next 4 years for the program.

This investment in the future is critical because experts agree that investing in innovation is the key to a vibrant U.S. manufacturing base and continued generation of new jobs. Nanotechnology is one of the areas of innovation most worthy of investment, as it has the potential to create entirely new industries and radically transform the basis of competition in others.

The bill also contains a number of other provisions to make improvements in our national technology initiative. It requires the creation of research centers, education training efforts, research into the societal and ethical consequence of nanotechnology, and efforts to transfer technology into the marketplace. Importantly, the bill includes a series of coordination offices, advisory committees and regular programming to ensure that taxpayer money is being spent wisely and efficiently.

This is an excellent bill that I am proud to have had the chance to work on, and I urge my colleagues to support it.

Once again, let me again repeat my gratitude and thanks to the leadership of the gentleman from New York (Mr. BOEHLERT), our chairman, and the gentleman from Texas (Mr. HALL), our ranking member.

Mr. BOEHLERT. Mr. Speaker, let me say I want to thank the gentleman from California (Mr. HONDA) for his partnership, and it has been a cooperative effort; and all of the efforts on the Committee on Science reflect that cooperation.

Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Texas (Mr. BURGESS), who has been a real leader for our side on this issue of nanotechnology.

Mr. BURGESS. Mr. Speaker, I thank my chairman for yielding me time.

It is indeed a pleasure to be here this afternoon to support Senate bill 189, the 21st Century National Nanotechnology Research and Development Act.

Nanotechnology is a very promising future technology. From materials to computers, medicine, defense, energy, the possibilities are limitless. We are moving from an age of miniaturization to an age of self-replication.

The House overwhelmingly approved this bill's companion, H.R. 766, and I am hopeful that the House will once again make a bipartisan commitment to increasing resources for nanotechnology research and development. The development of nanotechnology is not only important to my corner of the country but for every human on the planet.

The National Science Foundation estimates that in a little over a decade

nanotechnology will positively impact the global market by approximately \$1 trillion. This bill will ensure that the United States continues to be a leader in nanotechnology research.

This bill is especially important to my academic institutions in my district, especially the University of North Texas. Mr. Speaker, as the ranking member knows, everything is bigger in Texas unless it is better to be smaller, in which case everything is smaller in Texas.

Beginning last fall, the University of North Texas began laboratory renovation and equipment purchases for the Department of Material Science, including research space for their Laboratory for Electronic Materials and Devices and the establishment of a nanometrology laboratory, the first in the Nation.

This center, the Center for Advanced Research and Technology, is a unique collaboration between academic and corporate partners in the north Texas area, designed to develop new nanotechnology applications. The development of the nanometrology laboratory will provide remote access by researchers throughout the United States through state-of-the-art materials characterization.

These facility and research capabilities are important to the future competitiveness and the value of American materials worldwide, and this bill will help further those developments.

This comprehensive approach taken by Senate bill 189 to raise the profile of nanometrology and nanotechnology among the general public and increased resources for academic institutions will ensure that our country, America, is the leader in this field for years to come.

Mr. HALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), a long-time leader in high-tech issues from the Silicon Valley.

Ms. LOFGREN. Mr. Speaker, I am happy to strongly support S. 189, the 21st Century Nanotechnology Research and Development Act.

I represent, as the gentleman from Texas (Mr. HALL) just said, an area, Silicon Valley, that often leads this Nation in fostering cutting-edge research in technology and in manufac-

turing. Indeed, a great deal of much important research involving nanotechnology is being done right now at NASA Ames Research Park in California.

Mr. Speaker, I would like to take this opportunity to remind us all of the importance of supporting scientific research and its interaction with our society and our economy. With that in mind, Mr. Speaker, S. 189 is an important first step that will ensure that the United States will continue to play a pioneering role in the area of nanotechnology and its revolutionary potential to transform the manufacturing sector in our Nation, not to mention energy, health care, and areas that we can only dream of today.

I congratulate the gentleman from New York (Mr. BOEHLERT) and my Bay Area colleague, the gentleman from California (Mr. HONDA), for their bipartisan efforts in drafting and perfecting and passing H.R. 766 in the House which in large part forms the basis of this bill that we are about to pass.

The future benefits of research in nanotechnology, fusion energy, and other types of research depend on us acting with great foresight. S. 189 represents a great first step on that path; and as my colleague, the gentleman from California (Mr. HONDA), said recently at a nanotechnology conference that he helped organize at NASA Ames Research Park, nanotechnology is the next big thing.

Mr. HALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time; but before I yield back, I urge everyone to take the enlightened approach and support this very important initiative. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the Senate bill, S. 189.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

CONFERENCE REPORT ON H.R. 1904,
HEALTHY FORESTS RESTORA-
TION ACT OF 2003

Mr. GOODLATTE (during debate on the Inslee motion to instruct conferees on H.R. 1) submitted the following conference report and statement on the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-386)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904), to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Healthy Forests Restoration Act of 2003”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

**TITLE I—HAZARDOUS FUEL REDUCTION
ON FEDERAL LAND**

Sec. 101. Definitions.

Sec. 102. Authorized hazardous fuel reduction projects.

Sec. 103. Prioritization.

Sec. 104. Environmental analysis.

Sec. 105. Special administrative review process.

Sec. 106. Judicial review in United States district courts.

Sec. 107. Effect of title.

Sec. 108. Authorization of appropriations.

TITLE II—BIOMASS

Sec. 201. Improved biomass use research program.

Sec. 202. Rural revitalization through forestry.

Sec. 203. Biomass commercial utilization grant program.

**TITLE III—WATERSHED FORESTRY
ASSISTANCE**

Sec. 301. Findings and purposes.

Sec. 302. Watershed forestry assistance program.

Sec. 303. Tribal watershed forestry assistance.

**TITLE IV—INSECT INFESTATIONS AND
RELATED DISEASES**

Sec. 401. Findings and purpose.

Sec. 402. Definitions.

Sec. 403. Accelerated information gathering regarding forest-damaging insects.

Sec. 404. Applied silvicultural assessments.

Sec. 405. Relation to other laws.

Sec. 406. Authorization of appropriations.

**TITLE V—HEALTHY FORESTS RESERVE
PROGRAM**

Sec. 501. Establishment of healthy forests reserve program.

Sec. 502. Eligibility and enrollment of lands in program.

Sec. 503. Restoration plans.

Sec. 504. Financial assistance.

Sec. 505. Technical assistance.

Sec. 506. Protections and measures

Sec. 507. Involvement by other agencies and organizations.

Sec. 508. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**TITLE I—HAZARDOUS FUEL REDUCTION
ON FEDERAL LAND**

SEC. 101. DEFINITIONS.

In this title:

(1) **AT-RISK COMMUNITY.**—The term “at-risk community” means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice entitled “Wildland Urban Interface Communities Within the Vicinity of Federal Lands

That Are at High Risk From Wildfire” issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

(2) **AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT.**—The term “authorized hazardous fuel reduction project” means the measures and methods described in the definition of “appropriate tools” contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) **COMMUNITY WILDFIRE PROTECTION PLAN.**—The term “community wildfire protection plan” means a plan for an at-risk community that—

(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsible for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and

(C) recommends measures to reduce structural ignitability throughout the at-risk community.

(4) **CONDITION CLASS 2.**—The term “condition class 2”, with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled “Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management” (RMRS-87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(5) **CONDITION CLASS 3.**—The term “condition class 3”, with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(6) DAY.—The term “day” means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(7) DECISION DOCUMENT.—The term “decision document” means—

(A) a decision notice (as that term is used in the Forest Service Handbook);

(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and

(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).

(8) FIRE REGIME I.—The term “fire regime I” means an area—

(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.

(9) FIRE REGIME II.—The term “fire regime II” means an area—

(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.

(10) FIRE REGIME III.—The term “fire regime III” means an area—

(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and

(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.

(11) IMPLEMENTATION PLAN.—The term “Implementation Plan” means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-64) (and subsequent revisions).

(12) MUNICIPAL WATER SUPPLY SYSTEM.—The term “municipal water supply system” means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.

(13) RESOURCE MANAGEMENT PLAN.—The term “resource management plan” means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(14) SECRETARY.—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(15) THREATENED AND ENDANGERED SPECIES HABITAT.—The term “threatened and endangered species habitat” means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

(16) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” means—

(A) an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan; or

(B) in the case of any area for which a community wildfire protection plan is not in effect—

(i) an area extending 1/2-mile from the boundary of an at-risk community;

(ii) an area within 1½ miles of the boundary of an at-risk community, including any land that—

(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community;

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top; or

(III) is in condition class 3, as documented by the Secretary in the project-specific environmental analysis; and

(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—

(1) Federal land in wildland-urban interface areas;

(2) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(4) Federal land on which windthrow or blow-down, ice storm damage, the existence of an epidemic of disease or insects, or the presence of such an epidemic on immediately adjacent land and the imminent risk it will spread, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land; and

(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—

(A) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuel reduction project shall be conducted consistent with the resource manage-

ment plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LAND.—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(3) a Wilderness Study Area.

(e) OLD GROWTH STANDS.—

(1) DEFINITIONS.—In this subsection and subsection (f):

(A) APPLICABLE PERIOD.—The term “applicable period” means—

(i) the 2-year period beginning on the date of enactment of this Act; or

(ii) in the case of a resource management plan that the Secretary is in the process of revising as of the date of enactment of this Act, the 3-year period beginning on the date of enactment of this Act.

(B) COVERED PROJECT.—The term “covered project” means an authorized hazardous fuel reduction project carried out on land described in paragraph (1), (2), (3), or (5) of subsection (a).

(C) MANAGEMENT DIRECTION.—The term “management direction” means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(D) OLD GROWTH STAND.—The term “old growth stand” has the meaning given the term under management direction used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(2) PROJECT REQUIREMENTS.—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

(3) NEWER MANAGEMENT DIRECTION.—

(A) IN GENERAL.—If the management direction for an old growth stand was established on or after December 15, 1993, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the management direction.

(B) AMENDMENTS OR REVISIONS.—Any amendment or revision to management direction for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2) for the purpose of carrying out covered projects.

(4) OLDER MANAGEMENT DIRECTION.—

(A) IN GENERAL.—If the management direction for an old growth stand was established before December 15, 1993, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project during the applicable period by implementing the management direction.

(B) REVIEW REQUIRED.—Subject to subparagraph (C), during the applicable period for management direction referred to in subparagraph (A), the Secretary shall—

(i) review the management direction for affected covered projects, taking into account any

relevant scientific information made available since the adoption of the management direction; and

(ii) amend the management direction for affected covered projects to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the management direction.

(C) REVIEW NOT COMPLETED.—If the Secretary does not complete the review of the management direction in accordance with subparagraph (B) before the end of the applicable period, the Secretary shall not carry out any portion of affected covered projects in stands that are identified as old growth stands (based on substantial supporting evidence) by any person during scoping, within the period—

(i) beginning at the close of the applicable period for the management direction governing the affected covered projects; and

(ii) ending on the earlier of—

(I) the date the Secretary completes the action required by subparagraph (B) for the management direction applicable to the affected covered projects; or

(II) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by a subsequent Act of Congress) is reached.

(5) LIMITATION TO COVERED PROJECTS.—Nothing in this subsection requires the Secretary to revise or otherwise amend a resource management plan to make the project requirements of paragraph (2) apply to an activity other than a covered project.

(f) LARGE TREE RETENTION.—

(1) IN GENERAL.—Except in old growth stands where the management direction is consistent with subsection (e)(2), the Secretary shall carry out a covered project in a manner that—

(A) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(B) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands.

(2) WILDFIRE RISK.—Nothing in this subsection prevents achievement of the purposes described in section 2(1).

(g) MONITORING AND ASSESSING FOREST AND RANGELAND HEALTH.—

(1) IN GENERAL.—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—

(A) monitor the results of a representative sample of the projects authorized under this title for each management unit; and

(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(2) CONSISTENCY OF PROJECTS WITH RECOMMENDATIONS.—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.

(3) SIMILAR VEGETATION TYPES.—The results of a monitoring report shall be made available for use (if appropriate) in an authorized hazardous fuels reduction project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.

(4) MONITORING AND ASSESSMENTS.—Monitoring and assessment shall include a description of the changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—

(A) pretreatment conditions;

(B) historical fire regimes; and

(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.

(5) MULTIPARTY MONITORING.—

(A) IN GENERAL.—In an area where significant interest is expressed in multiparty monitoring, the Secretary shall establish a multiparty monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of authorized hazardous fuel reduction projects and projects conducted pursuant to section 404.

(B) DIVERSE STAKEHOLDERS.—The Secretary shall include diverse stakeholders (including interested citizens and Indian tribes) in the process required under subparagraph (A).

(C) FUNDING.—Funds to carry out this paragraph may be derived from operations funds for projects described in subparagraph (A).

(6) COLLECTION OF MONITORING DATA.—The Secretary may collect monitoring data by entering into cooperative agreements or contracts with, or providing grants to, small or micro-businesses, cooperatives, nonprofit organizations, Youth Conservation Corps work crews, or related State, local, and other non-Federal conservation corps.

(7) TRACKING.—For each administrative unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).

(8) MONITORING AND MAINTENANCE OF TREATED AREAS.—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.

SEC. 103. PRIORITIZATION.

(a) IN GENERAL.—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.

(b) COLLABORATION.—

(1) IN GENERAL.—The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.

(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Federal agency involvement in developing a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE.—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) FUNDING ALLOCATION.—

(1) FEDERAL LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) APPLICABILITY AND ALLOCATION.—The funding allocation in subparagraph (A) shall apply at the national level. The Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).

(C) WILDLAND-URBAN INTERFACE.—In the case of an authorized hazardous fuel reduction

project for which a decision notice is issued during the 1-year period beginning on the date of enactment of this Act, the Secretary shall use existing definitions of the term "wildland-urban interface" rather than the definition of that term provided under section 101.

(2) NON-FEDERAL LAND.—

(A) IN GENERAL.—In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

(B) PRIORITY.—In allocating funding under this paragraph, the Secretary should, to the maximum extent practicable, give priority to communities that have adopted a community wildfire protection plan or have taken proactive measures to encourage willing property owners to reduce fire risk on private property.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(2) other applicable laws.

(b) ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.—The Secretary shall prepare an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for each authorized hazardous fuel reduction project.

(c) CONSIDERATION OF ALTERNATIVES.—

(1) IN GENERAL.—Except as provided in subsection (d), in the environmental assessment or environmental impact statement prepared under subsection (b), the Secretary shall study, develop, and describe—

(A) the proposed agency action;

(B) the alternative of no action; and

(C) an additional action alternative, if the additional alternative—

(i) is proposed during scoping or the collaborative process under subsection (f); and

(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

(2) MULTIPLE ADDITIONAL ALTERNATIVES.—If more than 1 additional alternative is proposed under paragraph (1)(C), the Secretary shall—

(A) select which additional alternative to consider, which is a choice that is in the sole discretion of the Secretary; and

(B) provide a written record describing the reasons for the selection.

(d) ALTERNATIVE ANALYSIS PROCESS FOR PROJECTS IN WILDLAND-URBAN INTERFACE.—

(1) PROPOSED AGENCY ACTION AND 1 ACTION ALTERNATIVE.—For an authorized hazardous fuel reduction project that is proposed to be conducted in the wildland-urban interface, the Secretary is not required to study, develop, or describe more than the proposed agency action and 1 action alternative in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(2) PROPOSED AGENCY ACTION.—Notwithstanding paragraph (1), but subject to paragraph (3), if an authorized hazardous fuel reduction project proposed to be conducted in the wildland-urban interface is located no further than 1½ miles from the boundary of an at-risk community, the Secretary is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(3) PROPOSED AGENCY ACTION AND COMMUNITY WILDFIRE PROTECTION PLAN ALTERNATIVE.—In

the case of an authorized hazardous fuel reduction project described in paragraph (2), if the at-risk community has adopted a community wildfire protection plan and the proposed agency action does not implement the recommendations in the plan regarding the general location and basic method of treatments, the Secretary shall evaluate the recommendations in the plan as an alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(e) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized hazardous fuel reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(f) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.

(g) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.

(h) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.

SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.

(a) INTERIM FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.

(2) PERIOD.—The predecisional administrative review process required under paragraph (1) shall occur during the period—

(A) beginning after the completion of the environmental assessment or environmental impact statement; and

(B) ending not later than the date of the issuance of the final decision approving the project.

(3) ELIGIBILITY.—To be eligible to participate in the administrative review process for an authorized hazardous fuel reduction project under paragraph (1), a person shall submit to the Secretary, during scoping or the public comment period for the draft environmental analysis for the project, specific written comments that relate to the proposed action.

(4) EFFECTIVE DATE.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the

interim final regulations have been published and reasonable time has been provided for public comment.

(c) ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—

(A) the administrative review process established by the Secretary of Agriculture under this section; or

(B) the administrative hearings and appeals procedures established by the Department of the Interior.

(2) ISSUES.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).

(3) EXCEPTION.—

(A) IN GENERAL.—An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.

(B) INFORMATION.—If an agency fails or is unable to make information timely available during the administrative review process, a court should evaluate whether the administrative review process was inadequate for claims or issues to which the information is material.

SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.

(a) VENUE.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for a district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

(b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(c) INJUNCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.

(2) RENEWAL.—

(A) IN GENERAL.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

SEC. 107. EFFECT OF TITLE.

(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative au-

thority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) NATIONAL FOREST SYSTEM.—For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$760,000,000 for each fiscal year to carry out—

(1) activities authorized by this title; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States, local governments, Indian tribes, and other eligible recipients for activities authorized by law.

TITLE II—BIOMASS

SEC. 201. IMPROVED BIOMASS USE RESEARCH PROGRAM.

(a) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106-224) is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—

“(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

“(i) the cost to deliver varying quantities of wood to a particular location; and

“(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

“(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

“(i) capable of being used on land without significant adverse effects on the land;

“(ii) capable of handling large and varied landscapes;

“(iii) adaptable to handling a wide variety of tree sizes;

“(iv) inexpensive; and

“(v) adaptable to various terrains; and

“(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).”.

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106-224) is amended by striking “\$49,000,000” and inserting “\$54,000,000”.

SEC. 202. RURAL REVITALIZATION THROUGH FORESTRY.

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

“(d) RURAL REVITALIZATION TECHNOLOGIES.—

“(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

“(A) to accelerate adoption of technologies using biomass and small-diameter materials;

“(B) to create community-based enterprises through marketing activities and demonstration projects; and

“(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2004 through 2008.”

SEC. 203. BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.

(a) IN GENERAL.—In addition to any other authority of the Secretary of Agriculture to make grants to a person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products, the Secretary may make grants to a person that owns or operates a facility that uses biomass for wood-based products or other commercial purposes to offset the costs incurred to purchase biomass.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2004 through 2008.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSES.—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

“SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

“(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.—In this section, the term ‘non-

industrial private forest land’ means rural land, as determined by the Secretary, that—

“(1) has existing tree cover or that is suitable for growing trees; and

“(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

“(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service and (where appropriate) through the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials at land grant colleges and universities and 1890 institutions for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

“(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

“(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

“(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

“(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

“(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

“(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

“(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

“(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

“(3) IMPLEMENTATION.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

“(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

“(A) which shall be—

“(i) administered by the Forest Service; and

“(ii) implemented by State foresters or equivalent State officials in participating States; and

“(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

“(2) WATERSHED FORESTRY PROJECTS.—The State forester, an equivalent State official of a participating State, or a Cooperative Extension official at a land grant college or university or 1890 institution, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

“(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

“(A) the use of trees as solutions to water quality problems in urban and rural areas;

“(B) community-based planning, involvement, and action through State, local, and nonprofit partnerships;

“(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

“(D) watershed-scale forest management activities and conservation planning; and

“(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

“(ii) the establishment of riparian vegetative buffers.

“(4) COST-SHARING.—

“(A) FEDERAL SHARE.—

“(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

“(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

“(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

“(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

“(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

“(A) lead statewide programs; and

“(B) coordinate watershed-level projects.

“(e) DISTRIBUTION.—

“(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

“(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

“(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

“(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

“(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

“(B) the miles of riparian buffer needed;

“(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

“(D) the number of owners of nonindustrial private forest land in each State; and

“(E) water quality cost savings that can be achieved through forest watershed management.

“(f) WILLING OWNERS.—

“(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

“(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2004 through 2008.”

SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”),

acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) **TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.**—

(1) **IN GENERAL.**—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

(2) **PURPOSE OF PROGRAM.**—The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

(c) **WATERSHED FORESTRY PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall establish a watershed forestry program in cooperation with Indian tribes.

(2) **PROGRAMS AND PROJECTS.**—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) **ANNUAL AWARDS.**—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) **PROJECT ELEMENTS AND OBJECTIVES.**—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(C) watershed-scale forest management activities and conservation planning;

(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and non-profit partnerships.

(5) **PRIORITIZATION.**—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) **WATERSHED FORESTER.**—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) **DISTRIBUTION.**—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning in the field to Indian tribes.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry

out this section \$2,500,000 for each of fiscal years 2004 through 2008.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

SEC. 401. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

(A) increased fire risk;

(B) loss of old trees and old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.

(b) **PURPOSES.**—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. DEFINITIONS.

In this title:

(1) **APPLIED SILVICULTURAL ASSESSMENT.**—

(A) **IN GENERAL.**—The term “applied silvicultural assessment” means any vegetative or other treatment carried out for information gathering and research purposes.

(B) **INCLUSIONS.**—The term “applied silvicultural assessment” includes timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) **1890 INSTITUTION.**—

(A) **IN GENERAL.**—The term “1890 Institution” means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) **INCLUSION.**—The term “1890 Institution” includes Tuskegee University.

(3) **FOREST-DAMAGING INSECT.**—The term “forest-damaging insect” means—

(A) a Southern pine beetle;

(B) a mountain pine beetle;

(C) a spruce bark beetle;

(D) a gypsy moth;

(E) a hemlock woolly adelgid;

(F) an emerald ash borer;

(G) a red oak borer;

(H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.

(a) **INFORMATION GATHERING.**—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation prevention and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) CERTAIN TREATMENT PROHIBITED.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) PEER REVIEW.—

(A) IN GENERAL.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) EXISTING PEER REVIEW PROCESSES.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ADMINISTRATION.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) MAXIMUM CATEGORICAL EXCLUSION.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) NO ADDITIONAL FINDINGS REQUIRED.—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

SEC. 405. RELATION TO OTHER LAWS.

The authority provided to each Secretary under this title is supplemental to, and not in

lieu of, any authority provided to the Secretaries under any other law.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) COORDINATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing. State-listed species, or special concern species.

(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

(d) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) METHODS OF ENROLLMENT.—

(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year easement; or

(C) an easement of not more than 99 years.

(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) ENROLLMENT PRIORITY.—

(1) SPECIES.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing. State-listed species, or special concern species.

(2) COST-EFFECTIVENESS.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

SEC. 503. RESTORATION PLANS.

(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of Interior.

(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

SEC. 504. FINANCIAL ASSISTANCE.

(a) EASEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an easement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.

(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the easement; and

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements or easements) under the healthy forests reserve program.

(b) TECHNICAL SERVICE PROVIDERS.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 506. PROTECTIONS AND MEASURES

(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species,

the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this title, the Secretary of Agriculture may consult with—

- (1) nonindustrial private forest landowners;
- (2) other Federal agencies;
- (3) State fish and wildlife agencies;
- (4) State forestry agencies;
- (5) State environmental quality agencies;
- (6) other State conservation agencies; and
- (7) nonprofit conservation organizations.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

- (1) \$25,000,000 for fiscal year 2004; and
- (2) such sums as are necessary for each of fiscal years 2005 through 2008.

TITLE VI—MISCELLANEOUS

SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

- (1) in units of the National Forest System (other than those units created from the public domain); and
- (2) on private forest land, with the consent of the owner of the land.

(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

- (1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);
- (2) loss or degradation of forests;
- (3) degradation of the quality forest stands caused by inadequate forest regeneration practices;
- (4) quantification of carbon uptake rates; and
- (5) management practices that focus on preventing further forest degradation.

(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

- (1) isolate and treat a threat before the threat gets out of control; and
- (2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2004 through 2008.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

And the Senate agree to the same.

From the Committee on Agriculture, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

BOB GOODLATTE,
JOHN BOEHNER,

WILLIAM L. JENKINS,
GIL GUTKNECHT,
ROBIN HAYES,
CHARLIE STENHOLM,
COLLIN C. PETERSON,
CAL DOOLEY,

From the Committee on Resources, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

RICHARD POMBO,
SCOTT MCINNIS,
GREG WALDEN,
RICK RENZI,

From the Committee on the Judiciary, for consideration of sections 106 and 107 of the House bill, and sections 105, 106, 1115, and 1116 of the Senate amendment and modifications committed to conference:

F. JAMES SENSENBRENNER,
Jr.,
LAMAR SMITH,

Managers on the Part of the House.

THAD COCHRAN,
MITCH MCCONNELL,
MICHAEL CRAPO,
PETE V. DOMENICI,
TOM DASCHLE,

Manager on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904), An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the text of the House bill after the enacting clause and inserted a substitute text and a new title.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The House also recedes from its disagreement to the amendment of the Senate to the title of the bill. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE: TABLE OF CONTENTS

(1) Short Title

The House bill cites that this Act may be cited as "Healthy Forests Restoration Act of 2003" and lists the table of contents. (Section 1)

The Senate amendment has an identical short title and differences in the table of contents that reflect the Senate amendment. (Section 1)

The Conference substitute adopted the House provision with an amendment to conform the table of contents to the conference agreement. (Section 1)

(2) Purpose

The House bill lists the purposes of this Act, including: to reduce the risks of damage

to communities, municipal water supplies and federal lands from catastrophic wildfire; to authorize grant programs to improve the commercial value of forest biomass; to enhance efforts to protect watersheds and address threats to forest and rangeland health; to promote systematic information gathering to address the impacts of insect infestation on forest and rangeland health; to improve the capacity to detect insect and disease infestations at an early stage; and to benefit threatened and endangered species, improve biological diversity and enhance carbon sequestration. (Section 2)

The Senate amendment contains similar purposes with only technical and clarifying changes. (Section 2)

The Conference substitute adopts the Senate provision with an amendment that reflects changes made necessary by deletions from the bill. (Section 2)

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

(1) Definitions

The House bill defines terms necessary for implementation of the bill, including: interface community and intermix community; authorized hazardous fuel reduction project; condition class 2; condition class 3; day; decision document; Federal land; implementation plan; municipal water supply system; Secretary concerned; threatened and endangered species habitat. (Section 101)

The Senate amendment defines the same terms as the House bill with only technical differences, and defines additional terms, including: at-risk community; community wildfire protection plan; fire regime i, ii, and iii; Indian tribe; resource management plan; and Wildland-urban interface. (Sections 3, 101)

The Conference substitute [adopts the Senate provisions, with an amendment to modify the definition of wildland-urban interface. (Sections 3, 101)]

(2) Authorized Hazardous Fuel Reduction Projects

The House bill allows for authorized hazardous fuels reduction projects on federal lands that (1) are located in an interface or intermix community; (2) are located in proximity to such communities; (3) are condition class 3 or 2 and located in proximity to a municipal water supply (or a perennial stream, including rivers and other permanent natural flowing water sources feeding a municipal water supply); (4) are condition class 3 or 2 and have been identified as an area where windthrow, blowdown, the existence or threat of disease or insect infestation poses a threat to forest or rangeland health, or (5) contain threatened and endangered species, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Senate amendment allows for authorized hazardous fuel reduction projects on federal lands that: (1) are in wildland-urban interface areas, (2) are condition class 3 and located in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, (3) are condition class 2 within fire regime I, fire regime II or fire regime III and otherwise the same as paragraph (2), (4) are identified as an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease

poses a significant threat to an ecosystem component, or forest or rangeland resource on federal land or adjacent non-federal land, or (5) contain threatened and endangered species habitat, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Conference substitute adopts the Senate provision with amendments modifying the definition of wildland-urban interface and that clarify the provision relating to insect and disease infestation. (Section 102(a))

(3) Agency Plans; Acreage Limitation; Exclusion of Certain Federal Land

The House bill requires projects to be planned and conducted in a manner consistent with land and resource management plans or an applicable land use plan; limits the acreage available for authorized hazardous fuels reduction projects to 20,000,000 acres; and prohibits authorized hazardous fuels reduction projects on the following federal lands: a component of the National Wilderness Preservation System, federal lands where the removal of vegetation is prohibited or restricted by a Congress or a presidential proclamation, or wilderness study areas. (Section 102(b), (c), and (d))

The Senate amendment contains similar provisions with only technical differences. (Section 102(b), (c), and (d)).

The Conference substitute adopts the Senate provisions. (Section 102(b), (c), and (d))

(4) Old Growth Stands and Large Tree Retention

The Senate amendment: (Section 102(e), (f))

Provides direction for projects that may occur within old growth stands;

Defines a covered project as all authorized hazardous fuel reduction projects except those in an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to an ecosystem component (section 102(a)(4));

Identifies standards for old growth as the definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan, based on the structure and composition characteristic of the forest type, and in accordance with applicable law;

Requires the Secretary to fully maintain, or contribute toward the restoration of the structure and composition of structurally complex old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, while considering the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure;

Provides that old growth standards that are 10 years old or less from the date of enactment of this Act shall be used by the Secretary in carrying out a covered project;

Requires that any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with the requirement described above;

Provides that old growth standards established before the 10-year period may be used for a 2-year period beginning on the date of enactment of this Act, or if in the process of revising a resource management plan, may be used for a 3-year period;

Provides that older standards shall be reviewed and revised, if necessary, to reflect relevant information not considered in for-

mulating the resource management plan. If such review is not completed within the appropriate time period, no covered project shall occur in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping; and

Requires that covered projects outside of old growth stands focus largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects; and, maximizes the retention of large trees, as appropriate for the forest type, to the extent that the large trees promote fire-resistant stands.

The House bill has no comparable provisions.

The Conference substitute adopts the Senate provisions with an amendment that makes technical and clarifying changes to the old growth provisions; and adds a clause to the large tree retention provision to clarify that such provision is not intended to prevent achieving the purpose in section 2(1). (Section 102(e), (f))

The Managers note that nothing in subsection 102(e) requires resource management plans to be amended.

(5) Prioritization for Communities

The House bill directs the Secretary to give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds as provided for in the implementation plan. (Section 103)

The Senate amendment: (Section 103)

Directs the Secretary to develop an annual program of work that gives priority to authorized hazardous fuel reduction projects that provide for protection of at-risk communities or watersheds or that implement community wildfire protection plans;

Makes the Federal Advisory Committee Act and National Environmental Policy Act inapplicable to Federal involvement in the community wildfire protection plan planning and development process;

Directs that not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects shall be used in the wildland-urban interface. Such allocation shall apply at the national level. However, funds may be allocated differently within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects in areas with insects, disease, windthrow, blowdown or ice storm damage.

In providing financial assistance for authorized hazardous fuel reduction projects on non-federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

The Conference substitute adopts the Senate provision with amendments directing the Secretary to: (1) use existing administrative authority to define wildland-urban interface for purposes of authorized hazardous fuel reduction projects for which a decision notice is issued within one year of date of enactment of this Act, and (2) give priority in allocating funding to communities that have adopted wildfire protection plans. (Section 103)

(6) Environmental Analysis

The House bill:

Requires the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project; (104(a))

Gives the Secretary discretionary authority to limit the analysis ordinarily required under the National Environmental Policy

Act ("NEPA") to the proposed agency action, meaning the agencies would not be required to analyze and describe a number of different alternatives to the preferred course; (104(b))

Requires the Secretary to provide notice of authorized hazardous fuel reduction projects and conduct a public meeting during the planning stage; (104(c))

Requires the Secretary to collaborate among governments and interested persons during the formulation of each authorized fuels reduction project; (104(d))

Requires the Secretary to allow public input in accordance with NEPA during the preparation of an EA or EIS or an authorized hazardous fuel reduction project; (104(e))

Requires the Secretary to sign a decision document for each authorized hazardous fuels reduction project and provide notice of that document; (104(f)) and

Requires the Secretary concerned to monitor the implementation of authorized hazardous fuels reduction projects. (104(g))

With respect to House bill sections 104 (a), (c), (d), (e), and (f), the Senate amendment contains essentially identical provisions, except for technical differences.

With respect to House bill section 104(b), the Senate amendment directs the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project which describes the proposed action, a no action alternative, and an additional action alternative, if the additional alternative is proposed during scoping or the collaborative process and meets the purpose and need of the project. If more than 1 additional alternative is proposed, the Secretary shall select which additional alternative to consider and provide a written record describing the reasons for the selection. (Section 104(b))

With respect to House bill section 104(g), the Senate amendment:

Directs each Forest Service region and BLM State Office to monitor the results of authorized hazardous fuels reduction projects, and submit a report every 5 years that includes an evaluation of the progress towards project goals and recommendations for modifications to the projects and management treatments. It requires monitoring and assessment from a representative sample of authorized hazardous fuel reduction projects for each management unit as to the effects on changes in condition class, fire regime, watershed or landscape goals or objectives in the resource management plan, and requires the Secretary to track acres burned the degree of severity; and develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved; and (Section 102(g))

Instructs the Secretary to establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of the Senate amendment, and include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process. (Section 1108)

With respect to Section 104(b) of the House bill and the Senate amendment, the Conference substitute adopts the Senate provision with an amendment that provides for special expedited environmental analysis processes for hazardous fuels reduction projects within the wildland-urban interface and within 1½ miles of at risk communities (Section 104(d)).

For projects described in section 104(d)(1) of the Conference substitute, the Managers expect the Secretary to concisely analyze the likely environmental outcomes if the proposed treatment is not implemented.

The Managers note that, under subsection 104(c)(2), if more than one additional alternative is proposed during scoping that meets the purpose and need, the Secretary has the discretion to select which additional alternative to consider, and must provide a written record describing the reasons for the selection. The Managers note that the written record could be part of, or separate from, the environmental assessment or environmental impact statement.

The Managers expect, in carrying out authorized fuel reduction projects under the expedited processes provided by the Act, the Secretary not to neglect obligations under the provisions of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

With respect to Section 104(g) of the House bill, the Conference substitute: (1) strikes the Senate amendment provision (Section 1108) regarding collaborative monitoring; and (2) adopts the Senate amendment provision (Section 102(g)) regarding monitoring with an amendment that allows the Secretary to utilize multiparty monitoring with diverse stakeholders in areas where interest in multiparty monitoring exists. (Section 102(g))

(7) Administrative Review

The House bill:

Directs the Secretary of Agriculture to establish an administrative review process for the Forest Service within 90 days after the enactment of this Act that will serve as the sole means by which a person can seek administrative redress regarding an authorized hazardous fuels reduction project; (Section 105(a))

Limits the administrative process to be developed to persons who have submitted specific and substantive written comments during the preparation stage of the project; and (Section 105(b))

Clarifies that the Appeals Reform Act relating to USFS administrative appeals does not apply to an authorized hazardous fuels reduction project. (Section 105(c))

The Senate amendment:

Directs the Secretary of Agriculture to establish, within 30 days after the date of the enactment of this Act, interim final regulations to establish a pre-decisional administrative review process that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on National Forest System land; (Section 105(a))

Requires the Secretary to establish final regulations after a time period for public comment; (Section 105(b))

Provides that a person may only bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court if the issue was raised during the administrative process and the person has exhausted the administrative review process established by the Secretary, with exceptions for futurity or inadequacy claims; and (Section 105(c))

Clarifies that, with respect to projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations (including related legal actions). (Section 107(b))

The Conference substitute adopts the Senate provisions with an amendment that incorporates the substantive content of House bill section 105(b) and adds clarifying changes to section 105(c) of the Senate amendment. (Section 105)

The Managers do not expect the provisions in section 105(c)(3)(B) of the Conference sub-

stitute to be applicable to information which has not been brought to the attention of the Secretary.

(8) Judicial Review

The House bill:

Establishes a time limit for filing a challenge to an authorized hazardous fuels reduction project to 15 days within notice of the final agency action; (Section 106(a))

Limits the duration of any preliminary injunction granted on an authorized project to 45 days subject to renewal, and requires Secretarial notification to Congress upon an injunction renewal; (106(b))

Encourages a court in which an action or an appeal is filed to render a final determination within 100 days of when the complaint or appeal is filed; (106(c))

With respect to all agency actions on Federal lands, directs a court, in considering a request for injunctive relief, to balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action, and to give deference to any agency finding that the balance of harm and the public interest in avoiding the short-term effects of the agency action is outweighed by the public interest in avoiding long-term harm to the ecosystem. (Section 107)

The Senate amendment:

Requires lawsuits challenging an authorized hazardous fuel reduction project to be filed only in the United States district court for the district in which the federal land to be treated is located; (Section 106(a))

Encourages the court to expedite the proceedings with the goal of rendering a final determination as soon as practicable; (Section 106(b))

Limits the length of any preliminary injunctive relief and stays pending appeal not to exceed 60 days, subject to renewal with a requirement that parties to the action shall present updated information on the status of the project; (Section 106(c)(1), (2))

Directs the court reviewing the project, as part of its weighing the equities while considering any request for an injunction, to balance the impact to the ecosystem likely affected by the project of the short- and long-term effects of undertaking the agency action against the short- and long-term effects of not undertaking the agency action. (Section 106(c)(3))

The Conference substitute adopts the Senate provision. (Section 106)

(9) Effect of Title; Rules of Construction

The House bill clarifies that nothing in this title:

shall be construed to affect or limit the use of other authorities by the Secretary concerned to plan or conduct a hazardous fuels reduction project on federal lands; and (Section 108(a))

shall be construed to prejudice the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule. (Section 108(b))

The Senate amendment provides that nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104. (Section 107(a))

The Conference substitute adopts the Senate provision. (Section 107)

(10) Authorization of Appropriations

The Senate amendment authorizes \$760 million annually for activities under this

title and other hazardous fuel reduction activities of the Secretary. (Section 108)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 108)

TITLE II—BIOMASS

(1) Findings; Definitions

The House bill contains Congressional findings that that show high risk of wildfires across many acres due to the accumulation of heavy fuel loads from insect infestations and disease, and defines the terms: Biomass, Person, Preferred Community, and Secretary Concerned. (Sections 201, 202)

The Senate amendment has comparable provisions with minor differences. (Sections 201, 202)

(2) Grants to Improve the Commercial Value of Forest Biomass; Reporting requirement

The House bill establishes biomass commercial use and value-added grant programs to benefit anyone who owns or operates a facility to produce energy from biomass, as well as a monitoring program for participants, while complying with existing endangered species protections; authorizes appropriations of \$25,000,000 for fiscal years 2004 to 2008; and requires that the Secretary concerned submit a report of the grant programs no later than October 1, 2010. (Sections 203, 204)

The Senate amendment has a comparable amendment with minor differences. (Sections 203, 204)

With respect to sections 201 and 202 of the House bill and sections 203 and 204 of the Senate amendment, the Conference substitute adopts an amendment that authorizes the Secretary to provide biomass purchase grants to owners and operators of biomass facilities that use such materials for production of wood-based products or other commercial purposes. (Section 203)

(3) Improved Biomass Use Research Program

The Senate amendment amends the Biomass Research and Development Act of 2000 by adding a silviculture component to the program. (Section 205)

The House has no provision on this subject.

The Conference substitute adopts the Senate provision. (Section 201)

(4) Rural Revitalization Through Forestry

The Senate amendment establishes a program to facilitate small business use of biomass and authorizes appropriations of \$5,000,000 for fiscal years 2004 to 2008 to carry out the program. The program is established by amending the Food, Agriculture, Conservation, and Trade Act of 1990. (Section 206)

The House bill has no provision on this subject.

The Conference substitute adopts the Senate provision. (Section 202)

TITLE III—WATERSHED FORESTRY ASSISTANCE

(1) Findings and Purpose

The House bill contains Congressional findings that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds. The purpose of this title is to improve watershed health by forest management practices, such as maintaining tree cover, buffer strips. (Section 301)

The Senate contains a comparable provision with minor changes. (Section 301)

(2) Watershed Forestry Assistance Program

The House bill establishes a program to assist State foresters in expanding stewardship capacities to address watershed issues on non-Federal lands through technical assistance and a cost-share program by amending the Cooperative Forestry Assistance Act. An authorization for appropriations of

\$15,000,000 for each of the fiscal years 2004 through 2008 is also included. (Section 302)

The Senate contains a comparable provision with minor changes and also defines the term Nonindustrial Private Forest Land. (Section 302)

The Conference substitute adopts the Senate provision. (Section 302)

(3) *Tribal Watershed Forestry Assistance*

The Senate amendment directs the Secretary of Agriculture to provide assistance to Indian tribes for expanding forestry projects and to address watershed issues on tribal lands and provides the same basic authorities for Indian tribes as are provided in Section 302. (Section 303)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 303)

TITLE IV—INSECT INFESTATIONS

(1) *Definitions, Findings, and Purpose*

The House bill defines the terms Applied Silvicultural Assessment, Federal Lands, Secretary Concerned, 1890 Institutions. The bill also contains Congressional findings that insect infestations have many adverse effects on forest health, and states that the purpose of this title is to require the Secretary concerned to develop an assessment program to combat insect infestations, to enlist the assistance of educational institutions, and to carry out applied silvicultural assessments. (Section 401)

The Senate bill contains comparable provisions and also defines the term Forest Damaging Insect. (Sections 401, 402)

The Conference substitute adopts the Senate provision. (Sections 401, 402)

(2) *Accelerated Information Gathering Regarding Forest Damaging Insects*

The House bill establishes a program for information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, to assist land managers in the development of treatments to improve forest health, and disseminate results in cooperation with scientists from university and forestry schools. (Section 402)

The Senate amendment contains a comparable provision with minor changes and expands program to include all forest-damaging insects and associated diseases. (Section 403)

The Conference substitute adopts the Senate provision. (Section 403)

(3) *Applied Silvicultural Assessments*

The House bill enables the Secretary concerned to conduct applied silvicultural assessments on federal lands that the Secretary determines in its sole discretion are at risk for infestation with certain named pests. It limits such assessment areas to 1,000 acres per assessment; applies an overall acreage limitation to 250,000 acres; requires the Secretary to provide notice of each applied silvicultural assessment proposed to be carried out; requires the Secretary to provide an opportunity for public input; creates a categorical exclusion from further analysis under NEPA which the environment. (Section 403)

The Senate amendment contains a comparable provision with minor technical differences, and expands to all forest-damaging insects and associated diseases. The Senate bill precludes categorical exclusions using similar methods from being carried out adjacent to one another and subjects them to the extraordinary circumstances procedures. (Section 404)

The Conference substitute adopts the Senate provision. (Section 404)

(4) *Relation to Other Laws; Authorization of Appropriations*

The House bill provides that authorities of the Secretary under this title are in addition

to other authorities of the Secretary under other laws, and authorizes such sums as may be necessary to be appropriated between fiscal year 2004 and 2008. (Sections 404, 405)

The Senate amendment contains comparable provisions with only technical differences. (Sections 405, 406)

The Conference substitute adopts the Senate provisions. (Sections 405, 406)

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

(1) *Establishment of Program*

The House bill directs the Secretary of Agriculture to establish a program with the purpose of protecting, restoring, and enhancing forest ecosystems to promote the recovery of endangered species, improve biodiversity, and enhance carbon sequestration. (Section 501)

The Senate amendment has a comparable provision. (Section 501)

The Conference substitute adopts the Senate provision. (Sections 501)

(2) *Eligibility and Enrollment of Lands in Program*

The House bill specifies lands eligible for enrollment and lists eligibility and enrollment requirements for program participants, including enrollment priorities for land with threatened and endangered species. (Section 502 (a), (b), (c), (f))

The Senate amendment has comparable provisions with minor differences. (Section 502 (a), (b), (c), (d), (g))

The Conference substitute adopts the Senate provisions. (Section 502 (a), (b), (c), (d), (g))

(3) *Maximum Enrollment; Methods of Enrollment*

The House bill establishes a maximum enrollment of 1,000,000 acres, and authorizes acres to be enrolled through a permanent easement with buyback option, a 30-year easement, or a 10-year agreement for enrolled lands under this program. (Section 502 (d) and (e))

The Senate amendment establishes a maximum enrollment of 2,000,000 acres, and authorizes acres to be enrolled through agreements of not more than 99 years with no buyback option, 30-year agreements; or 10-year cost share agreements. (Section 502 (e) and (f))

The Conference substitute adopts the Senate provision with respect to maximum enrollment (502(e) and the House provision with an amendment with respect to methods of enrollment to allow for 10-year cost share agreements, and 30-year and up to 99-year easements. (Section 502(f))

(4) *Conservation Plans*

The House bill requires lands enrolled shall be subject to a conservation plan developed by USDA and the US Fish and Wildlife Service; requires a description of the permissible land-use activities; authorizes applicable State agencies and nonprofit conservation organizations to provide technical or financial assistance in development of the plans; and requires that the plan maximize the environmental benefits per dollar expended. (Section 503)

The Senate amendment has comparable provisions. (Sections 502(g)(2), 503, 507)

The Conference substitute adopts the Senate provision. (Sections 502(g)(2), 503, 507)

(5) *Financial Assistance*

The House bill specifies maximum amounts of financial assistance for each method of enrollment of acres into the Healthy Forest Reserve. (Section 504)

The Senate amendment contains similar language (Section 504).

The Conference substitute adopts the Senate provision with an amendment reflecting the changes made in the methods of enrollment. (Section 504)

(6) *Technical Assistance*

The House bill directs the Forest Service and U.S. Fish and Wildlife service to provide participants with technical assistance. (Section 505)

The Senate amendment has a comparable provision and also adds that the Secretary may enter into cooperative agreements with third parties certified as technical service providers. (Section 505)

The Conference substitute adopts the Senate provision. (Section 505)

(7) *Safe Harbor*

The House bill instructs the Secretary of Interior to provide safe harbor to landowners who enroll land in this program when enrollment results in a net conservation benefit for listed species. (Section 506)

The Senate amendment has a comparable provision and also provides that the cost of any additional measures taken besides those covered in the restoration plan will be considered part of the restoration plan for financial purposes. (Section 506)

The Conference substitute adopts the Senate provision. (Section 506)

(8) *Authorization of Appropriations*

The House bill authorizes to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008. (Section 507)

The Senate amendment authorizes to be appropriated \$25,000,000 for fiscal year 2004 and such sums necessary for each of the fiscal years 2005-2008. (Section 508)

The Conference substitute adopts the Senate provision. (Section 508)

TITLE VI—MISCELLANEOUS PROVISIONS

(1) *Inventory and Monitoring Program*

The House bill instructs the Secretary of Agriculture to carry out a program to monitor forest stands on National Forest System lands and private lands; lists issues to be addressed; establishes an early warning system; and authorizes \$5,000,000 for each of the fiscal years 2004 through 2008 for such activities. (Section 601)

The Senate amendment has a comparable provision that also lists specific means and offices for carrying out the program, and authorizes such sums as are necessary to carry out this section without fiscal year limitation. (Section 1101)

The Conference substitute adopts the House provision. (Title VI)

The managers expect the Secretary to consult and collaborate with the National Aeronautics and Space Administration, Stennis Space Center in carrying out this title.

(2) *Public Land Corps*

The Senate amendment creates a public land corps to carry out rehabilitation projects enlisting the help of disadvantaged young people. The amendment authorizes to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008. (Title VI)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(3) *Rural Community Forestry Enterprise Program*

The Senate amendment establishes a program to assist in the economic revitalization of rural forest research-dependent communities. The amendment authorizes to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008. (Title VII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(4) *Firefighters Medical Monitoring Act*

The Senate amendment provides that the National Institute for Occupational Safety

and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government. The amendment authorizes to be appropriated such sums as may be necessary in each of the fiscal years 2004 through 2008 to carry out this title. (Title VIII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(5) Disaster Air Quality Monitoring Act

The Senate amendment instructs the Environmental Protection Agency to provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in disaster areas and publish the findings. The amendment authorizes to be appropriated \$8,000,000 to carry out this title. (Title IX)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(6) Highlands Region Conservation

The Senate amendment recognizes the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States. The amendment authorizes the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region, and continues the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region. (Title X)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(7) Emergency Treatment and Reduction of Non-native Invasive Plants

The Senate amendment establishes a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat, including work to eradicate Salt Cedar and Russian Olive trees and other brush along the Bosque lands on the Rio Grande River in the State of New Mexico. (Section 1102)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(8) USDA National Agroforestry Center

The Senate amendment amends section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 to establish a National Agroforestry Center. (Section 1103)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(9) Upland Hardwoods Research Center

The Senate amendment directs the Secretary to establish an upland hardwood research center. (Section 1104)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(10) Emergency Fuel Reduction Grants

The Senate amendment instructs the Secretary of Agriculture to establish an emer-

gency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service. (Section 1105)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(11) Eastern Nevada Landscape Coalition

The Senate amendment authorizes the Secretary of Agriculture and the Secretary of the Interior to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes. (Section 1106)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(12) Sense of Congress Regarding Enhanced Community Fire Protection

The Senate amendment states that it is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107 09171; 116 Stat. 473)). (Section 1107)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(13) Best-Value Contracting

The Senate amendment allows the Secretaries to use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes the ability of the contractor to meet the ecological goals of the projects; the use of equipment that will minimize or eliminate impacts on soils; and benefits to local communities such as ensuring that the byproducts are processed locally. (Section 1109)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(14) Suburban and Community Forestry and Open Space Program; Forest Legacy Program

The Senate amendment establishes within the Forest Service a program to be known as the "Suburban and Community Forestry and Open Space Program" (Section 1110)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(15) Wildland Firefighter Safety

The Senate amendment directs the Secretaries to ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards management direction established by the National Wildfire Coordinating Group. (Section 1111)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(16) Green Mountain National Forest Boundary Adjustment

The Senate amendment states the boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled "Green

Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II", each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. (Section 1112)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(17) Puerto Rico Karst Conservation

The Senate amendment authorizes and supports conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and promotes cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts. (Section 1113)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(18) Effective Date of Section 10806 of Farm Security and Rural Investment Act

The Senate amendment states Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act. (Section 1114)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(19) Enforcement of Animal Fighting Prohibitions Under the Animal Welfare Act

The Senate amendment amends Section 26 of the Animal Welfare Act. (Section 1115)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(20) Changes in Fines for Violation of Public Land Regulations During a Fire Ban

The Senate amendment contains provisions to modify the penalties for violations of fire bans. (Section 1116)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

From the Committee on Agriculture, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

BOB GOODLATTE,
JOHN BOEHNER,
WILLIAM L. JENKINS,
GIL GUTKNECHT,
ROBIN HAYES,
CHARLIE STENHOLM,
COLLIN C. PETERSON,
CAL DOOLEY,

From the Committee on Resources, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

RICHARD POMBO,
SCOTT MCINNIS,
GREG WALDEN,
RICK RENZI,

From the Committee on the Judiciary, for consideration of sections 106 and 107 of the House bill, and sections 105, 106, 1115, and 1116 of the Senate amendment and modifications committed to conference:

F. JAMES SENSENBRENNER,
Jr.
LAMAR SMITH,
Managers on the Part of the House.

THAD COCHRAN,

MITCH MCCONNELL,
MICHAEL CRAPO,
PETE V. DOMENICI,
TOM DASCHLE,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Ms. PELOSI) for November 19th on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTINGS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and November 21.

Mr. SMITH of New Jersey, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today.

ADJOURNMENT

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes a.m.), the House adjourned until today, Friday, November 21, 2003, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5512. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Medical De-

vices; Cardiovascular Devices; Reclassification of the Arrhythmia Detector and Alarm [Docket Nos. 1994N-0418 and 1996P-0276] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5513. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of the West Nile Virus IgM Capture Elisa Assay [Docket No. 2003P-0450] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5514. A letter from the Regulations Coordinator, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins — received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5515. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Sale by Federal Departments or Agencies of Chemicals Which Could Be Used in the Illicit Manufacture of Controlled Substances [Docket No. DEA-176F] (RIN: 117-AA47) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5516. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 03-16476, Notice 1] (RIN: 2127-A182) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5517. A letter from the Sr. Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Implementation of Section 304 of the Telecommunications Act of 1996 [CS Docket No. 97-80]; Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronic Equipment [PP Docket No. 00-67] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5518. A letter from the Special Assistant to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Archer City, Texas) [MB Docket No. 03-116] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5519. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Ehrenberg, Arizona) [MB Docket No. 03-174 RM-10754] received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5520. A letter from the Senior Legal Advisor, International Bureau, Federal Communication Commission, transmitting the Commission's final rule — Flexibility for Delivery of Communication by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands [IB Docket No. 01-185] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5521. A letter from the Chief, Policy and Rules Division, Federal Communications

Commission, transmitting the Commission's final rule — Amendment of Parts 2,25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in Ku-Band [ET Docket No. 98-206] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5522. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 87 of the Commission's Rules to Accommodate Advanced Digital Communications in the 117.975-137 MHz Band and to Implement Flight Information Services in the 136-137 MHz Band [WT Docket No. 00-77 RM Nos. 9376, 9462] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5523. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of LPTV Digital Data Services Pilot Project — received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5524. A letter from the Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67]; Petition for Clarification of WorldCom, Inc. — received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5525. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Payson and Camp Verde, Arizona) [MB Docket No. 03-160 RM-10706] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5526. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Butte, Montana) [MB Docket No. 03-118 RM-10585] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5527. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Fayetteville, Arkansas) [MM Docket No. 01-55 RM-10034] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5528. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Bay City, Michigan) [MM Docket No. 01-84 RM-10067] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5529. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Harrison, Michigan) [MB Docket No. 03-176 RM-10720] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5530. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range [ET Docket No. 98-206] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5531. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules for Implementation of its Cable Operations And Licensing System (COALS) to Allow for Electronic Filing of Licensing Applications, Forms, Registrations and Notifications in the Multichannel Video and Cable Television Service and the Cable Television Relay Service [CS Docket No. 00-78] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5532. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television [MM Docket No. 00-39] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5533. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5534. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Partial Band Licensing and Loading Standards for Earth Stations in the FSS That Share Spectrum With Terrestrial Services [IB Docket No. 00-203; RM-9649], Blanket Licensing for Small Aperture Terminals in the C-Band [SAT-PDR-19990910-00091], Routine Licensing of 3.7 Meter Transmit and Receive Stations at C-Band, and Deployment of Geostationary-Orbit FSS Earth Stations in the Shared Portion of the Ka-Band, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5535. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Band [CC Docket No. 92-166] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5536. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands [IB Docket No. 02-364] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5537. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets — received November 17, 2003, pur-

suant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5538. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59) [GN Docket No. 01-74; FCC 02-185] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5539. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended [WT Docket No. 99-87] received November 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5540. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Enforcement of Other Nations' Prohibitions Against the Uncompleted Call Signaling Configuration of International Call-back Service [IB Docket No. 02-18]; Petition for Rulemaking of the Telecommunications Resellers Association To Eliminate Comity-Based Enforcement of Other Nations' Prohibitions Against the Uncompleted Call Signaling Configurations of International Call-back Service [RM-9249] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5541. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Glen Falls, Indian Lake, Malta and Queensbury, New York) [MB Docket No. 03-105 RM-10671] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5542. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assessment of Access Authorization Fees (RIN: 3150-AH30) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5543. A letter from the transmitting the Commission's final rule — Amdt. of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services [ET Dkt No.00-258]; The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band [IB Dkt. No.99-81]; Amdt. of the Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile-Satellite Service [RM-9911]; Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service [RM-9498]; Petition for Rule Making of to the Committee on Energy and Commerce.

5544. A letter from the Director, International Cooperations, Department of Defense, transmitting a copy of Transmittal No. 20-03 which informs of an intent to sign Amendment Number One to the Project Arrangement between the United States and Canada concerning Distributed Mission Training Technologies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5545. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Australia (Transmittal No. DDTC 104-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5546. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the Republic of Korea (Transmittal No. DDTC 118-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5547. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Belgium (Transmittal No. DDTC 103-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5548. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5549. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Part A Premium for 2004 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8018-N] (RIN: 0938-AM33) received November 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5550. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2004 [CMS-8016-N] (RIN: 0938-AM31) received November 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5551. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Losses Claimed and Income to be Reported from Lease In/Lease Out Transactions — received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5552. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-75) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5553. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Business Purpose (Rev. Rul. 2003-110) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5554. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reimbursements and other expense allowance arrangements (Rev. Rul. 2003-106) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5555. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Amount of Credit (Rev. Rul. 2003-112) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5556. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Ruling and determination letters (Rev. Proc. 2003-81) received October 24,

2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5557. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories (Rev. Rul. 2003-113) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5558. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-80) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5559. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2004 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2003-73] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5560. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-74] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5561. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories (Rev. Rul. 2003-121) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5562. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed \$2,800,000 (Rev. Rul. 2003-119) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5563. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gross income defined (Rev. Rul. 2003-115) received November 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5564. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Company's Share and Policyholders' Share (Rev. Rul. 2003-120) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5565. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Beginning January 1, 2004 [CMS-8017-N] (RIN: 0938-AM91) received November 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2408. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for na-

tional wildlife refuges; with amendments (Rept. 108-385). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLATTE: Committee of Conference. Conference report on H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108-386). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 456. Resolution providing for consideration of motions to suspend the rules (Rept. 108-387). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 457. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System Lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108-388). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 458. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108-389). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 459. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108-390). Referred to the House Calendar.

[Submitted November 21 (legislative day of November 20), 2003]

Mr. THOMAS: Committee of Conference. Conference report on H.R. 1. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes (Rept. 108-391). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself and Ms. BALDWIN):

H.R. 3540. A bill to extend for an additional year the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 3541. A bill to provide authority to prevent human rights violations by controlling certain exports, and for other purposes; to the Committee on International Relations.

By Ms. BALDWIN (for herself, Mr. SMITH of Michigan, and Mr. HOLDEN):

H.R. 3542. A bill to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. SESSIONS, Mr. WYNN, and Mr. LYNCH):

H.R. 3543. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 3544. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating certain lands along the southern coast of Maui, Hawaii, as a unit of the National Park System; to the Committee on Resources.

By Mr. FARR:

H.R. 3545. A bill to establish a program of research and other activities to provide for the recovery of the southern sea otter; to the Committee on Resources.

By Ms. DEGETTE (for herself, Ms. DELAURO, Mr. HINCHEY, Mr. STARK, and Mr. ENGLISH):

H.R. 3546. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products by enhancing the ability of the Secretary of Agriculture to retrieve the history, use, and location of a meat or poultry product through a record-keeping and audit system or registered identification, and for other purposes; to the Committee on Agriculture.

By Ms. DEGETTE (for herself, Ms. DELAURO, Mr. HINCHEY, Mr. STARK, and Mr. WAXMAN):

H.R. 3547. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS (for himself and Mr. INSLEE):

H.R. 3548. A bill to amend title 5, United States Code, to exclude civilian personnel at naval shipyards from the national security personnel system; to the Committee on Government Reform.

By Mr. HILL (for himself, Mr. SANDLIN, Mr. LAMPSON, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. HOYER, Mr. TANNER, Mr. WU, and Ms. PELOSI):

H.R. 3549. A bill to amend titles XVIII and XIX of the Social Security Act to improve payments to providers of services and physicians furnishing services to Medicare and Medicaid beneficiaries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. LIPINSKI, Mr. BOEHLERT, Mr. RAHALL, Mr. COBLE, Mr. DEFAZIO, Mr. DUNCAN, Mr. COSTELLO, Mr. GILCHREST, Ms. NORTON, Mr. MICA, Mr. NADLER, Mr. HOEKSTRA, Mr. MENENDEZ, Mr. QUINN, Ms. CORRINE BROWN of Florida, Mr. EHLERS, Mr. FILNER, Mr. BACHUS, Ms.

EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mrs. KELLY, Ms. MILLENDER-MCDONALD, Mr. BAKER, Mr. CUMMINGS, Mr. NEY, Mr. BLUMENAUER, Mr. LOBIONDO, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mr. PASCRELL, Mr. GARY G. MILLER of California, Mr. BOSWELL, Mr. BEREUTER, Mr. HOLDEN, Mr. ISAKSON, Mr. LAMPSON, Mr. HAYES, Mr. BAIRD, Mr. SIMMONS, Ms. BERKLEY, Mrs. CAPITO, Mr. HONDA, Mr. BROWN of South Carolina, Mr. LARSEN of Washington, Mr. JOHNSON of Illinois, Mr. CAPUANO, Mr. REHBERG, Mr. WEINER, Mr. PLATTS, Ms. CARSON of Indiana, Mr. GRAVES, Mr. HOEFFEL, Mr. KENNEDY of Minnesota, Mr. THOMPSON of California, Mr. SHUSTER, Mr. BISHOP of New York, Mr. BOOZMAN, Mr. MICHAUD, Mr. CHOCOLA, Mr. DAVIS of Tennessee, Mr. BEAUPREZ, Mr. BURGESS, Mr. BURNS, Mr. PEARCE, Mr. GERLACH, Mr. MARIO DIAZ-BALART of Florida, Mr. PORTER, Mr. MATHESON, and Mr. CARSON of Oklahoma):

H.R. 3550. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS:

H.R. 3551. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 3552. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself, Mr. HASTERT, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Mr. CRANE, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. SHIMKUS, Mr. ISSA, Mr. UPTON, Mr. RAHALL, Mr. WAXMAN, and Ms. SLAUGHTER):

H.R. 3553. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. MCDERMOTT (for himself, Mr. WU, Mr. DEFazio, Mr. INSLEE, Ms. KILPATRICK, and Mr. LARSEN of Washington):

H.R. 3554. A bill to amend the Temporary Extended Unemployment Compensation Act and the Federal-State Extended Unemployment Compensation Act to temporarily allow States to disregard the look-back requirement of these Acts for purposes of determining unemployment insurance eligibility; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 3555. A bill to amend the Clean Air Act to prohibit stationary sources located in ozone nonattainment areas from purchasing

nitrogen oxide emission credits under the Environmental Protection Agency's nitrogen oxide trading program without the consent of the State in which such source is located, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Mr. RANGEL, Mr. McNULTY, Mr. HOUGHTON, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. ENGEL, Mr. BOEHLERT, Mr. SERRANO, Mr. OWENS, Mr. WEINER, Mr. HINCHEY, Mrs. MALONEY, Ms. SLAUGHTER, and Mrs. LOWEY):

H.R. 3556. A bill to provide for income tax treatment relating to certain losses arising from, and grants made as a result of, the September 11, 2001, terrorist attacks on New York City; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. COX, Mr. BAIRD, Mr. DOOLEY of California, Mr. LANTOS, Ms. LOFGREN, and Ms. WOOLSEY):

H.R. 3557. A bill to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. PITTS (for himself and Mr. MARKEY):

H.R. 3558. A bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services; to the Committee on Energy and Commerce.

By Mr. PLATTS:

H.R. 3559. A bill to amend title 10, United States Code, to allow faculty members at Department of Defense service academies and schools of professional military education to secure copyrights for certain scholarly works that they produce as part of their official duties in order to submit such works for publication, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. CONYERS, Ms. MCCOLLUM, Mr. TOWNS, Mr. ACEVEDO-VILA, Ms. LEE, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. LIPINSKI, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Mr. CUMMINGS):

H.R. 3560. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 3561. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain improvements to retail space; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 3562. A bill to amend the Internal Revenue Code of 1986 to allow businesses a credit for security devices, assessments, and other security-related expenses; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mr. UPTON):

H.R. 3563. A bill to coordinate cargo theft crime data collection and to amend title 18, United States Code, to make improvements

relating to cargo theft prevention, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 3564. A bill to remove United States fair trade laws from the World Trade Organization dispute settlement system process; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 3565. A bill to provide that a grantee may not receive the full amount of a block grant under the Local Law Enforcement Block Grant program unless that grantee adopts a health standard establishing a legal presumption that heart, lung, and respiratory disease are occupational diseases for public safety officers and to provide that such diseases are presumed to be sustained in the performance of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN of Oregon:

H.R. 3566. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program using geospatial and information management technologies to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 3567. A bill to require the General Accounting Office to conduct an investigation of the high price of college textbooks; to the Committee on Education and the Workforce.

By Mr. WELDON of Pennsylvania (for himself, Ms. HARMAN, Mr. KIRK, Mr. BERMAN, Mr. SOUDER, Mr. CARDOZA, Mr. WILSON of South Carolina, Mr. MEEK of Florida, Mr. NUNES, Mr. LAHOOD, Mr. JONES of North Carolina, Mr. CASE, Mr. DEUTSCH, and Mr. SHAW):

H. Con. Res. 332. Concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD (for herself and Mr. TOM DAVIS of Virginia):

H. Con. Res. 333. Concurrent resolution expressing support and appreciation for the longstanding alliance between the United States and the Republic of Korea, and for other purposes; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, and Mr. MEEKS of New York):

H. Con. Res. 334. Concurrent resolution expressing the sense of Congress that "Kids Love a Mystery Month" should be established; to the Committee on Government Reform.

By Mrs. TAUSCHER (for herself, Mr. GEORGE MILLER of California, Mr. TAYLOR of Mississippi, Mr. COOPER, Ms. PELOSI, Mr. SKELTON, Mr. MORAN

of Virginia, Mr. MCGOVERN, Mr. DAVIS of Tennessee, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. LEE, Mr. RYAN of Ohio, Ms. WATSON, Mr. EVANS, Mr. KILDEE, Mr. TOWNS, Mr. KENNEDY of Rhode Island, Mr. MEEHAN, Mr. RANGEL, Mr. INSLEE, Mr. ISRAEL, Mr. BLUMENAUER, Mr. MCDERMOTT, Ms. ESHOO, Mr. LANTOS, Ms. DELAURO, Ms. NORTON, Mr. LARSEN of Washington, Ms. LOFGREN, Mrs. MALONEY, Mr. BELL, Mr. LYNCH, Mr. GRIJALVA, Mr. CASE, Mr. CARDOZA, Mr. MATHESON, Ms. WOOLSEY, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. BROWN of Ohio, Mr. FARR, Mr. HONDA, Mrs. CAPPS, Ms. MCCOLLUM, Mr. DELAHUNT, Ms. SOLIS, Ms. JACKSON-LEE of Texas, and Mr. SERRANO):

H. Con. Res. 335. Concurrent resolution recognizing the sacrifices made by members of the regular and reserve components of the Armed Forces, expressing concern about their safety and security, and urging the Secretary of Defense to take immediate steps to ensure that the reserve components are provided with the same equipment as the regular component; to the Committee on Armed Services.

By Mrs. JONES of Ohio (for herself, Ms. PRYCE of Ohio, Mr. DINGELL, Mr. TIBERI, Mr. TURNER of Ohio, Mr. OXLEY, Mr. GILLMOR, Mr. STRICKLAND, Ms. KAPTUR, Mr. KUCINICH, Mr. BROWN of Ohio, Mr. LATOURETTE, Mr. RYAN of Ohio, Mr. NEY, Mr. KILDEE, Mr. UPTON, Mrs. MILLER of Michigan, Mr. PORTMAN, Mr. LEVIN, Ms. KILPATRICK, Mr. CONYERS, Mr. MCCOTTER, Mr. HOBSON, and Mr. FORD):

H. Res. 460. A resolution congratulating The Ohio State University and the University of Michigan on the 100th football game between the two teams and recognizing their rivalry as the greatest sports rivalry in history; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Mr. GRIJALVA, Mr. TOWNS, Mr. HASTINGS of Florida, Ms. MCCOLLUM, Mr. CROWLEY, Mr. DEUTSCH, Mr. SERRANO, Mr. HINCHEY, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Mr. MARKEY, Mr. CLAY, and Ms. NORTON):

H. Res. 461. A resolution expressing the sense of the House of Representatives with respect to the American Association of Retired Persons and the Republican Medicare prescription drug bill; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. SIMPSON, Mr. SHIMKUS, and Mr. GUTIERREZ.

H.R. 173: Mr. JEFFERSON.

H.R. 375: Mr. COLE and Mr. BRADY of Pennsylvania.

H.R. 525: Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CLAY, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms.

DEGETTE, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. DOYLE, Mr. ETHERIDGE, Mr. FARR, Mr. GREEN of Texas, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. LANTOS, Mr. LIPINSKI, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. PRICE of North Carolina, Mr. REYES, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SNYDER, Mr. STUPAK, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. PASCRELL, Mr. OLVER, Mr. KUCINICH, and Ms. MCCARTHY of Missouri,

H.R. 527: Mr. GALLEGLY.

H.R. 528: Mr. LANTOS.

H.R. 645: Mr. STENHOLM, Mrs. MUSGRAVE, and Mr. BOOZMAN.

H.R. 648: Mrs. MUSGRAVE.

H.R. 717: Mr. LANGEVIN.

H.R. 770: Ms. KAPTUR.

H.R. 852: Mrs. JONES of Ohio and Ms. MILLENDER-MCDONALD.

H.R. 857: Mr. RUSH, Mr. RAHALL, Mr. BISHOP of New York, Mr. INSLEE, Mr. HOEFFEL, Mr. ENGLISH, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, and Ms. MILLENDER-MCDONALD.

H.R. 876: Mr. BURNS, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. CRENSHAW, Mr. BOEHNER, Mr. LUCAS of Kentucky, Mr. LIPINSKI, Mrs. JONES of Ohio, Mr. LANTOS, Mrs. MUSGRAVE, Mr. HEFLEY, Mr. CULBERSON, Mr. DAVIS of Alabama, Ms. LEE, Mr. MCGOVERN, Mr. McNULTY, and Mr. SKELTON.

H.R. 936: Mr. HASTINGS of Florida.

H.R. 955: Mr. OWENS.

H.R. 997: Mr. SAXTON.

H.R. 1034: Ms. MCCOLLUM, Mr. RANGEL, Mrs. CAPPS, and Mr. GRIJALVA.

H.R. 1043: Mr. MCHUGH.

H.R. 1045: Mr. WEINER.

H.R. 1052: Mr. LEWIS of Georgia.

H.R. 1102: Mr. LEACH and Mr. RUPPERSBERGER.

H.R. 1117: Mr. HOSTETTLER and Mr. TANCREDO.

H.R. 1125: Mr. SOUDER.

H.R. 1155: Mr. RUSH and Mr. SHAW.

H.R. 1157: Mr. SPRATT.

H.R. 1285: Mr. KANJORSKI, Mr. LYNCH, Mr. RAHALL, and Mr. DAVIS of Tennessee.

H.R. 1336: Mrs. CAPPS and Mr. HASTINGS of Washington.

H.R. 1389: Ms. LINDA T. SANCHEZ of California.

H.R. 1430: Ms. WOOLSEY.

H.R. 1513: Mr. PORTER and Mr. GARRETT of New Jersey.

H.R. 1523: Ms. CARSON of Indiana.

H.R. 1532: Mr. LARSEN of Washington, Mr. RUPPERSBERGER, Ms. LOFGREN, Mr. UPTON, Mr. EVANS, Mr. RUSH, and Mr. NEAL of Massachusetts.

H.R. 1552: Mr. ANDREWS and Ms. MCCARTHY of Missouri.

H.R. 1582: Mr. NETHERCUTT.

H.R. 1659: Mr. SCHIFF.

H.R. 1684: Mr. TOWNS, Mrs. CAPPS, and Mr. MEEHAN.

H.R. 1746: Mr. ABERCROMBIE, Mr. UDALL of New Mexico, Mr. JENKINS, Mr. JACKSON of Illinois, and Mr. KIRK.

H.R. 1749: Mr. HOBSON.

H.R. 1767: Mr. GINGREY and Mr. TOM DAVIS of Virginia.

H.R. 1812: Ms. CARSON of Indiana and Mr. DOOLEY of California.

H.R. 1873: Mrs. JONES of Ohio.

H.R. 1895: Mr. HINCHEY and Mr. PAYNE.

H.R. 1910: Mr. SCOTT of Georgia.

H.R. 1914: Mr. AKIN, Mr. CASTLE, Mr. COSTELLO, Mr. DAVIS of Alabama, Mr. DEUTSCH, Mr. DINGELL, Mr. ENGEL, Mr. EVANS, Mr. GORDON, Mr. HONDA, Ms. KAPTUR, Ms. KILPATRICK, Mr. KOLBE, Mr. KUCINICH,

Mr. LAMPSON, Mr. LANTOS, Mr. LIPINSKI, Ms. LOFGREN, Ms. MAJETTE, Mr. NADLER, Mr. OLIVER, Mr. ORTIZ, Ms. LINDA T. SANCHEZ of California, Mr. SCOTT of Georgia, Mr. SHAYS, Ms. SLAUGHTER, Mr. TURNER of Texas, Mr. WYNN, Mr. DEFAZIO, Mr. DOGETT, and Ms. BALDWIN.

H.R. 1919: Mr. JOHN.

H.R. 1958: Mr. PAYNE.

H.R. 1998: Mr. TERRY.

H.R. 2093: Mr. SESSIONS.

H.R. 2131: Mr. GUTIERREZ, Mrs. BONO, Mr. BONILLA, Mr. FRANKS of Arizona, Mr. WELLER, Mr. NUNES, and Mr. TOOMEY.

H.R. 2217: Mr. PAYNE, Mr. DEUTSCH, Mr. LEWIS of Georgia, Mr. RANGEL, and Mr. LIPINSKI.

H.R. 2239: Mr. LEWIS of Georgia.

H.R. 2262: Mr. EVANS.

H.R. 2295: Mr. BOUCHER.

H.R. 2347: Mr. MURPHY.

H.R. 2404: Mr. PITTS and Mr. HALL.

H.R. 2604: Mr. FOLEY.

H.R. 2628: Mr. CROWLEY.

H.R. 2720: Mr. MANZULLO and Mrs. LOWEY. H.R. 2809: Mr. GREENWOOD, Mr. TANCREDO, and Mr. ENGLISH.

H.R. 2810: Mr. GREENWOOD, Mr. TANCREDO, and Mr. ENGLISH.

H.R. 2837: Ms. WOOLSEY.

H.R. 2880: Ms. LORETTA SANCHEZ of California.

H.R. 2911: Mr. WAXMAN, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Ms. WOOLSEY, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, and Ms. SOLIS.

H.R. 2938: Ms. JACKSON-LEE of Texas and Mr. SOUDER.

H.R. 2968: Mr. PRICE of North Carolina.

H.R. 2986: Mr. DUNCAN, Mr. PASCRELL, Mr. CUMMINGS, Mr. FRANKS of Arizona, Mr. LIPINSKI, Mr. COSTELLO, and Mr. HEFLEY.

H.R. 3035: Mr. MOORE.

H.R. 3029: Mrs. KELLY.

H.R. 3049: Ms. BALDWIN.

H.R. 3109: Mr. BACHUS, Mr. BALLANCE, Mr. BARRETT of South Carolina, Mr. BOEHLERT, Mr. BONNER, Mrs. BONO, Mr. BRADLEY of New Hampshire, Mr. COBLE, Mrs. EMERSON, Mr. GOODE, Mr. GUTKNECHT, Mr. HOSTETTLER, Mr. HUNTER, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LUCAS of Oklahoma, Mrs. MYRICK, Mrs. NORTHUP, Mr. QUINN, Mr. REYNOLDS, Mr. ROHRBACHER, Mr. SAXTON, Mr. SCHROCK, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. SWEENEY, and Mr. WOLF.

H.R. 3120: Ms. CARSON of Indiana.

H.R. 3142: Mr. REHBERG, Mr. BOSWELL, Mr. ENGLISH, and Mr. GEORGE MILLER of California.

H.R. 3190: Mr. LATHAM, Mr. BRADY of Texas, Mr. NORWOOD, Mr. AKIN, Mr. HERGER, Mr. TURNER of Texas, and Mr. EVERETT.

H.R. 3191: Mr. REHBERG, Mr. HAYWORTH, and Mr. JANKLOW.

H.R. 3194: Mr. LEWIS of Georgia and Mr. RANGEL.

H.R. 3204: Mr. BURR, Mrs. JO ANN DAVIS of Virginia, Mr. GILCHREST, Mr. GILLMOR, Mr. HASTINGS of Washington, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MICA, Mr. MORAN of Kansas, Mr. PORTMAN, Mr. SAXTON, and Mr. SHAYS.

H.R. 3215: Mr. TIAHRT and Mr. SESSIONS.

H.R. 3228: Mr. BROWN of Ohio.

H.R. 3230: Mr. PAUL.

H.R. 3244: Mr. POMEROY.

H.R. 3261: Mr. WEXLER, Mr. TURNER of Ohio, Mr. PORTMAN, and Mr. DELAHUNT.

H.R. 3263: Ms. ROS-LEHTINEN, Mr. GREEN of Wisconsin, Mr. ENGEL, Mr. HOEFFEL, and Mr. BERMAN.

H.R. 3275: Mr. LEWIS of Georgia and Mr. OLVER.

H.R. 3277: Mr. PASTOR, Mr. GRAVES, Mr. MCKEON, Mr. GUTKNECHT, Mr. BASS, Mr. BEAUPREZ, Mr. HINCHEY, Mr. GUTIERREZ, Mr.

BERRY, Mr. VISCLOSKEY, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KOLBE, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. SABO, Mr. MORAN of Virginia, Mr. MOORE, Mr. DINGELL, Mr. MENENDEZ, Mr. MICHAUD, Mr. DEFRAZIO, Mr. DAVIS of Alabama, Mr. INSLEE, Ms. BALDWIN, Mr. BERMAN, Mr. SCOTT of Virginia, Ms. HARMAN, Mr. HOLDEN, Mr. REYES, Mr. ISRAEL, Mr. JENKINS, Mr. RYAN of Wisconsin, and Mr. PENCE.

H.R. 3344: Mr. STRICKLAND, Ms. WATERS, Mr. LANGEVIN, and Mr. BELL.

H.R. 3355: Mrs. MCCARTHY of New York and Mr. VAN HOLLEN.

H.R. 3362: Ms. DELAURO, Ms. NORTON, Mr. ISRAEL, Mr. OWENS, Mr. FROST, Mr. GREEN of Texas, and Mr. GUTIERREZ.

H.R. 3368: Mr. ENGLISH and Mr. WELDON of Pennsylvania.

H.R. 3378: Mr. FALCOMA-VAEGA.

H.R. 3386: Ms. MCCOLLUM.

H.R. 3408: Mr. LANTOS, Ms. NORTON, Mr. FROST, Ms. MILLENDER-MCDONALD, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr.

MCDERMOTT, Mr. MEEHAN, Ms. WOOLSEY, and Ms. SCHAKOWSKY.

H.R. 3429: Mr. WHITFIELD and Mr. OTTER.

H.R. 3432: Mr. MICHAUD.

H.R. 3459: Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. MEEHAN, Ms. WOOLSEY, and Ms. SCHAKOWSKY.

H.R. 3509: Mr. SPRATT, Mr. GRIJALVA, and Mr. BAIRD.

H.R. 3519: Mr. MEEHAN, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. BACA, Ms. ROYBAL-AL-LARD, Mr. ORTIZ, Mr. SERRANO, Mr. PASTOR, Mr. BECERRA, Mr. GUTIERREZ, Mr. MENENDEZ, Ms. VELAZQUEZ, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. GONZALEZ, Mr. ACEVEDO-VILA, Ms. SOLIS, Mr. CARDOZA, and Ms. LINDA T. SANCHEZ of California.

H.J. Res. 22: Mr. NEUGEBAUER.

H.J. Res. 56: Mr. EVERETT, Mr. NEUGEBAUER, Mr. BAKER, Mr. SHADEGG, Mr. JANKLOW, Mr. BURTON of Indiana, and Mr. DEAL of Georgia.

H. Con. Res. 111: Mr. BELL.

H. Con. Res. 281: Mr. VAN HOLLEN.

H. Con. Res. 304: Mr. UDALL of Colorado, Mr. LANGEVIN, Mr. BURR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WEINER, Mr. RAMSTAD, Mr. HUNTER, Mr. WALSH, Mr. LYNCH, Mrs. MALONEY, Mr. BRADLEY of New Hampshire, Mr. DEFRAZIO, Mr. HOLT, Mr. OWENS, and Ms. LOFGREN.

H. Con. Res. 324: Mr. BLUMENAUER.

H. Con. Res. 103: Mrs. NORTHUP.

H. Res. 313: Mr. RYAN of Ohio.

H. Res. 354: Mr. CLYBURN.

H. Res. 389: Mr. SNYDER.

H. Res. 441: Mr. MURPHY.

H. Res. 446: Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. PICKERING.

H. Res. 453: Mr. FROST, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Mr. BEREUTER, Mr. FATTAH, Mr. SAXTON, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mr. HOEFFEL, Mr. PITTS, Mr. CRAMER, Mr. GRIJALVA, Mr. SANDLIN, Mr. DAVIS of Florida, Mr. FOLEY, Ms. CORRINE BROWN of Florida, Mr. KLECZKA, Mr. MANZULLO, and Ms. BERKLEY.